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July 1988 - Apr. 13. 1989

URBAN/MUNICIPAL

AGENDAS / MINUTES OF THE
LEGISLATION COMMITTEE
OF COUNCIL



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

CAYONHBLA05

C5/L2

1988 July 13

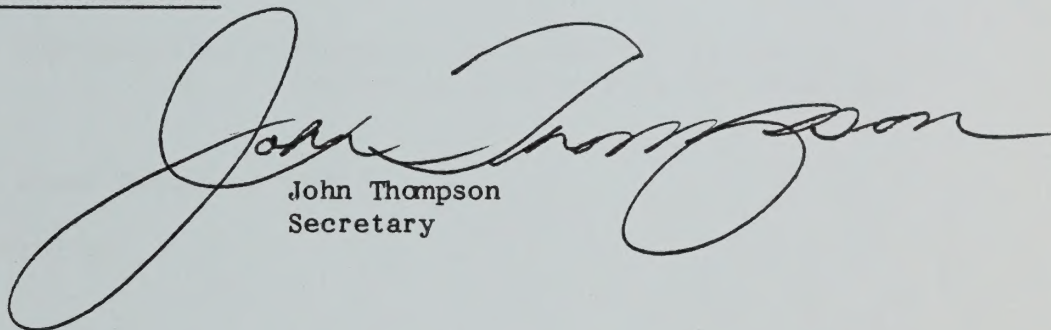
I

NOTICE OF MEETING

Legislation Committee
Monday, 1988 July 18
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL
JUL 14 1988
GOVERNMENT DOCUMENTS

PLEASE NOTE EARLIER STARTING TIME


John Thompson
Secretary

JT:mjw

A G E N D A

- A. 9:30 a.m. - Review of Bill 106 - "An Act to Amend the Municipal Elections Act and the Municipal Act".
- B. Delegation - The Municipal Action Committee of the Hamilton Disarmament Coalition - Endorsement of the Nuclear Weapons Legal Action.
 1. Approval of the Minutes of the Meeting of the Legislation Committee held 1988 June 20.
 2. (a) By-law Respecting Smoking in the Workplace.
(b) Smoking Control Programme.
(c) Clarification of the Non-smoking Policy Re: Private Offices of the Members of Council.
 3. City Solicitor
By-law to Repeal By-law No. 85-243 Respecting Election Contribution and Expenses.



4. **Manager of Purchasing**
Voter Notification Cards.
5. **Barking Dogs Disturbing Neighbours - Alderman J. Gallagher.**
6. **Distribution of Handbills - Alderman T. Murray and Alderman H. Merling.**
7. **Transient Traders on Corner Lots - Alderman T. Murray.**
8. **Farmer's Market Sub-Committee - Amendment to By-law No. 81-180
Respecting Sale of Bulk Pet Food.**
9. **Commissioner of Human Resources Centre**
Adopt-A-School Project.
10. **Hamilton Yacht Club**
Special Occasion Permit.
11. **Use of City Hall Facilities**
 - (a) Status of Women Sub-Committee.
 - (b) Sixth Canadian National Square and Round Dance Convention.
 - (c) Canadian Cystic Fibrosis Foundation.
 - (d) LACAC.
 - (e) World-wide Ukrainian Orthodox Millennium Celebrations.
 - (f) Mum Show Committee.
 - (g) The Taoisti Tai Chi Society of Canada (Hamilton Branch).
 - (h) Palestinian Association of Hamilton.
12. **Hamilton and District Labour Council**
Labour Day Parade and Flag.

13. Resolutions

- (a) Metro Toronto Police Report - Street Prostitution.
- (b) City of Kitchener - Replicas of Actual Weapons.
- (c) City of Toronto - Bill 119 - An Act to Amend The Ontario Lottery Corporation Act.
- (d) Town of Oakville - (i) Non-profit Low Income Housing.
(ii) Preservation of Ontario Heritage.

14. Civic Award

15. New Business

16. Adjournment

A.

Corporation of the City of Hamilton
Memorandum

TO: Members of
City Council

FROM: Mr. K. E. Avery
Deputy City Clerk

OUR FILE:
PHONE: 526-2727

SUBJECT: BILL 106 - EXPLANATORY/IMPACT REPORT

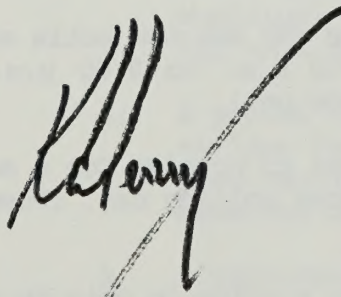
DATE: 1988 July 8

Attached is an Explanatory/Impact Report on Bill 106 and a copy of Bill 106 - "An Act to amend the Municipal Elections Act and the Municipal Act". This report is a summary of the key sections of the Bill only, therefore all members of City Council contemplating seeking re-election should read Bill 106 thoroughly so they are familiar with all of the legislative requirements especially as it relates to election contributions and expenses.

Also attached is the registration form required to be completed and filed with the City Clerk by October 17th and before you accept any contributions or incur any expenses for the 1988 municipal election.

A proposed by-law to adopt Part III of Bill 106 will be available at the July 18th meeting of the Legislation Committee if the Committee decides to recommend adoption of Part III to City Council. A by-law to adopt Part III must be passed by August 7th if this part is to be in force for the 1988 municipal election.

Mr. George Manios, Policy Advisor with the Local Government Organization Branch of the Ministry of Municipal Affairs and one of the authors of Bill 106 will attend the July 18th meeting of the Legislation Committee to answer any questions members.



KEA/SGH/dg
att.

EXPLANATORY/IMPACT REPORT ON
BILL 106

The purpose of the Bill is to provide for limits on campaign contributions and expenses and for their disclosure to the voters after the election. There is provision for an optional tax credit system. The Bill also amends the recount process to provide for a recount by a recount officer, rather than by a judge, who will generally be the clerk, unless another person is appointed by the clerk.

The Bill also contains amendments designed to increase the accessibility to voting by doubling the number of mandatory advance polls, standardizing voting hours and proxy voting and also making the polls more accessible to disabled and physically challenged voters. The Bill requires candidates, once elected, to maintain the qualifications for their candidacy during the term of office.

The principal provisions of the Bill are as follows:

PART I (GENERAL POLLING AND
RECOUNT PROVISIONS)

MUNICIPAL ELECTIONS ACT

SECTION 1. Section 14a clarifies that a corporation is not eligible to vote in an election.

SECTION 2. A candidate must be registered before being entitled to two (2) copies of the preliminary list of voters.

SECTIONS 3, 5 (3). All advance polls are to be accessible to disabled persons and persons having a mobility impairment for the 1988 election and all polls are to be accessible to such voters for the 1991 election.

Comment: The requirement to have all of our existing polls accessible may not be completely achievable by 1991 given the size of expenditure required to meet this objective. The centralization of polls would be the most direct, least expensive solution. However, a reduction in the number of polls in Hamilton will make such polls less accessible to the majority of voters and may impact on voter participation.

SECTIONS 4, 5 (2). The voting hours for both regular and advance polls are to be 10 a.m. to 8 p.m. Current voting hours are 11:00 a.m. to 8:00 p.m. for election day and 9:00 a.m. to 8:00 p.m. for the advance poll.

SECTION 5. Subsection 1. Subsection 66 (1) is amended to provide for a second mandatory advance poll to be held on the Thursday before polling day. (November 10, 1988)

SECTION 6. Subsection 67 (1) is amended to allow any elector to vote by proxy so that it is no longer necessary to show physical incapacity, absence from one's regular residence to attend school or being engaged in the transportation industry.

SECTIONS 7, 8, and 9. The existing recount process would be replaced in the new sections 83 to 88j. The essential features are as follows:

1. The municipal clerk is the recount officer, unless the clerk appoints another person prior to polling day or the clerk has participated in the counting of the ballots or is unable to conduct the recount. (84.1,6)
2. The municipality, school board or local board involved shall pay the cost of a recount including reasonable remuneration for and the expenses of persons appointed as assistant recount officers and other assistants. (85.9)
3. A recount is automatic if the vote spread between the winner and the runner-up is less than .5 for each poll or less than ten votes, whichever is greater and is requested by a candidate within seven days from the date of the results. A recount continues to be held in the case of a tied vote. (86.1;86a.1,2,3)
4. Recounts may, as at present, be requested by the council, school board or local board within thirty days of the declaration of results. (86b.1,2)
5. Any elector who has reasonable grounds may apply for a recount to a judge and the judge shall determine whether one is to be held by the recount officer. The application to the judge is to be commenced no later than thirty days after the declaration of results. The judge has sole discretion with respect to who pays the costs of this type of recount. (87.1,2,6,7,9)

PART II (REGISTRATION, CONTRIBUTIONS
AND CAMPAIGN EXPENSES)

SECTIONS 10, 11, and 12. Section 121 which enabled council to pass a by-law regulating election contributions and expenses and requiring their reporting by candidates for municipal council is repealed and replaced by a mandatory system for all candidates set out in Part II, which provides for the following:

1. Contributions can only be made during the campaign period defined to commence on the 1st day of January of an election year and ending March 31st of the following year. For the purpose of the 1988 Municipal Elections, the campaign period commences on June 8, 1988 and ends on March 31, 1989. (121.1;124.1,2)
2. A person is required to register by filing a notice with the clerk no earlier than the 1st day of January in an election year and no later than nomination day (October 17, 1988). Contributions cannot be accepted unless a person is a registered candidate. (122.1,4)
3. A registered candidate may appoint a chief financial officer. (123.1)

4. Money contributions to registered candidates in amounts in excess of \$25.00 shall only be made by cheque, money order or credit card. All monies accepted from contributors shall be paid into an account registered with the Clerk. (124.3,4)
5. There is a limit of \$750 per individual contribution. (124.7)
6. Any monies used for an election campaign by a registered candidate out of the registered candidates own funds or those of the spouse of the registered candidate shall be considered to be a contribution but the \$750.00 limit does not apply in respect of those funds. (124.8)
7. No registered candidate shall accept funds from a provincial or federal political party, constituency association or registered candidate for a provincial or federal election. (125.4)
8. A registered candidate shall issue receipts for every contribution accepted. (125.5)
9. A fund-raising function can only be held during the campaign period. (126.1)
10. Limits are placed on expenses based on a formula relating to the number of electors at \$5,500 for each council head and \$3,500 for candidates for other offices plus 50 cents per elector in each ward, municipality, local board or school jurisdiction. The Clerk will determine the total number of electors in each ward and will advise each registered candidate by registered mail of the maximum amount of campaign expenses that may be incurred by the candidate. (129.4,5;129.7,8)
11. A candidate shall appoint an auditor if contributions received or expenses incurred during the campaign period exceed \$10 000. (131.1)
12. A candidate will be required to file with the clerk no later than June 30, 1989 a statement of expenses and contributions the nature of which will be determined by the amount of the expenses and contributions. If contributions or expenses do not exceed \$10 000 a candidate may instead of filing the financial statement, file a report in the prescribed form. If contributions or expenses do not exceed \$1 000 a candidate may instead of filing a financial statement file a Statutory Declaration in the prescribed form. (132.1,2,3,4)
13. The clerk must submit a statement to the council or board showing the information received from candidates and the names of any candidates who have failed to file. (132.5)
14. If a registered candidate fails to make the required disclosure within thirty days of a written demand or fails to correct an incorrect statement within thirty days or where the candidate's campaign expenses exceed the statutory limits, that candidate is ineligible to hold elected office up to and including the next regular election. (133.1)

15. If an elected candidate fails to make the required disclosure within the thirty day demand period or has exceeded the statutory limits, the clerk is to notify the candidate and the council or board to which the candidate was elected. The office then becomes vacant and the former elected candidate is ineligible to hold elected office up to and including the next regular election. (133.2,3)
16. In addition to the above penalties, a corporation or trade union may be fined up to \$10 000 for a contravention of sections 122 to 134 and an individual may be fined up to \$1 000 for a contravention of sections 122 to 134, excluding subsection 124 (7). (135.1,2)

PART III (CAMPAIGN CONTRIBUTION
REBATE PROGRAM)

A council, school board or local board has the option of adopting Part III so that contributors can obtain tax credits which are payable by the jurisdiction involved. Part III establishes identical limits on contributions and expenses with similar disclosure requirements to those contained in Part II as well as identical penalties as to ineligibility and disqualification.

The essential differences between Parts II and III of the Bill are that Part III provides for the following:

1. A municipality or school board may pass a by-law or resolution to have Part III apply to the Election if the by-law or resolution is passed by August 7, 1988. (139.1;140.1)
2. A candidate must register with the Commission on Election Finances established under the Election Finances Act, 1986 which administers this Part. (143.1)
3. The candidate must appoint a chief financial officer. (145.1)
4. Political advertising paid by others and costing in excess of \$100 is considered a contribution and, if done during the campaign period, a campaign expense. (152.1)
5. Media campaign advertising is restricted to the twenty-eight day period immediately preceeding the day before polling day. (October 16 - November 12, 1988). (164.1)
6. The candidate must also appoint an auditor whose duties are set out with respect to the financial statements that are to be filed by the chief financial officer. (168.1)
7. The chief financial officer of every candidate is required to file with the Commission no later than June 30, 1989 an audited statement of expenses and contributions. (May 14, 1989) (169.1,2)

8. The Commission performs the same functions as the clerk under Part II in regard to candidates who fail to comply with the disclosure requirements. (169.5)
9. A candidate is to turn any surplus over to the clerk who is to hold it in trust for the candidate in the next election. If the candidate decides not to seek nomination in the next election, the surplus is to be paid into the general fund of the municipality or board. Failure to turn over the surplus renders the candidate ineligible to be nominated at the next election, unless in the meantime the surplus is paid over. In the case of an elected candidate, the office is declared vacant. (170.1,5;172.1,2)
10. Every contributor is to receive a tax credit or rebate from the municipality based on the following:

<u>Contribution</u>	<u>Tax Credit or Rebate</u>
Up to \$100	75 % of contribution
\$100 to \$400	\$75 plus 50% of excess over \$100
Over \$400	the lesser of, (a) \$225 plus 33.33% of excess over \$400 or, (b) \$350
(173.1,2)	

11. No tax credits or rebates are to be provided until the Commission has notified the clerk that all the required statements have been filed. (173.8)

MUNICIPAL ACT

SECTIONS 13 and 14. Sections 37 and 38 of the Municipal Act are amended to clarify that a person must hold the qualifications for office to be elected and must continue to hold the qualifications during the term of office.

COMMENT

The duties and requirements as contained in Parts II and III of Bill 106 are onerous upon candidates and upon municipal election officials. Only the experience of the forthcoming election will fully determine the workability of this legislation and its practical application to municipalities and candidates.

This report is a summary only of the key sections of Bill 106. All members of City Council contemplating seeking re-election should read Bill 106 thoroughly so that they are familiar with all of the legislative requirements.

1988 - 1989 CANDIDATE ELECTION TIMETABLE

- June 8, 1988 to March 31, 1989 - Campaign period
- June 8, 1988 to October 17, 1988 - Candidate registration period
- August 7, 1988 - Last day to pass by-law to adopt Part III of Bill 106.
- September 6, 1988 - Preliminary voters list available to registered Candidates
- Voters list revision period begins
- October 13, 1988 - Begin receipt of nominations
- October 14, 1988 - Voters list revision period ends
- October 17, 1988 - Nomination Day
- November 5, 1988 - Advance Poll (10:00 a.m. to 8:00 p.m.)
- November 10, 1988 - Advance Poll (10:00 a.m. to 8:00 p.m.)
- November 14, 1988 - Election Day
- November 17, 1988 - Official results announced by Clerk
- June 30, 1989 - Last day to file financial statements with Clerk if Part III of Bill 106 not adopted
- Last day to file audited financial statements with the Commission on Election Finances if Part III of Bill 106 is adopted

B.
25 Dundana Avenue
Dundas, Ontario
L9H 4E5

June 1, 1988

John Thompson
Secretary
Legislation Committee
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Thompson:

The Municipal Action Committee of the Hamilton Disarmament Coalition would like the City of Hamilton to consider endorsing the enclosed resolution. We would like to appear before the Legislation Committee at your next meeting on June 20, 1988, at 10:30 a.m., to present our views and to answer any questions you may have regarding our proposal. Dr. Hanna Newcombe of the Peace Research Institute - Dundas is willing to be our spokesperson for the occasion.

Yours sincerely,

Arlene Fox

Arlene Fox
Member of the Municipal
Action Committee

DEFERRED TO 1988 JULY 18 MEETING.

DRAFT RESOLUTION

WHEREAS THE *HUMANITARIAN RULES OF ARMED CONFLICT** PUT INTO DOUBT THE ABILITY TO FIGHT A NUCLEAR WAR WHILE OBSERVING THESE RULES;

AND WHEREAS UNDER THE *CANADIAN CHARTER OF RIGHTS*** THE USE OF NUCLEAR WEAPONS IS IN DIRECT OPPOSITION TO OUR WELL-BEING;

AND WHEREAS THE NUREMBURG PRINCIPLES***, PROCLAIMED AT THE WAR CRIMES TRIALS HELD AT THE END OF WORLD WAR II, CONDEMNED WAR CRIMES AND CRIMES AGAINST HUMANITY;

AND WHEREAS A NUMBER OF CANADIAN ORGANIZATIONS ARE AGAIN PREPARING A TEST CASE FOR CANADIAN FEDERAL COURTS;

AND WHEREAS OTHER CANADIAN MUNICIPALITIES HAVE ENDORSED THIS ACTION AS A MEANS OF PUBLIC EDUCATION ON NUCLEAR ISSUES;

AND WHEREAS THE CITY OF HAMILTON HAS, IN THE PAST, BEEN VERY SUPPORTIVE OF A NUMBER OF PEACE ISSUES, FOR EXAMPLE, HELD A REFERENDUM ON DISARMAMENT IN THE 1982 CIVIC ELECTION AND DECLARED HAMILTON TO BE A NUCLEAR WEAPONS FREE ZONE IN 1983;

WE THEREFORE REQUEST HAMILTON CITY COUNCIL TO ENDORSE THE NUCLEAR WEAPONS LEGAL ACTION.

N.B. THERE IS NO FINANCIAL LIABILITY INHERENT IN THE ABOVE ENDORSEMENT.

*

THE HUMANITARIAN RULES OF ARMED CONFLICT

- Rule 1 - It is prohibited to use weapons or tactics that cause unnecessary or aggravated devastation and suffering.
- Rule 2- It is prohibited to use weapons or tactics that cause indiscriminate harm as between combatants and non-combatants, military and civilian personnel.
- Rule 3- It is prohibited to use weapons or tactics that cause wide-spread, long-term and severe damage to the natural environment.
- Rule 4- It is prohibited to effect reprisals that are disproportionate to their antecedent provocation or to legitimate military objectives, or disrespectful of persons, institutions and resources otherwise protected by the laws of war.
- Rule 5- It is prohibited to use weapons or tactics that violate the neutral jurisdiction of non-participating states.
- Rule 6- It is prohibited to use asphyxiating, poisonous or other gases, and analogous liquids, materials or devices, including bacteriological methods of warfare.

**

THE CANADIAN CHARTER OF RIGHTS

Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

*** THE NUREMBURG PRINCIPLES

The Nürnberg Principles, 1946

1. *Principles of International Law Recognised in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal as Formulated by the International Law Commission, June-July 1950.*

Principle I

Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.

Principle II

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him from responsibility under international law.

Principle IV

The fact that a person acted pursuant to order of his government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

Principle V

Any person charged with a crime under international law has a right to a fair trial on the facts and law.

Principle VI

The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace:

- (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
- (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killings of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

Principle VII

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

Who is behind the Nuclear Weapons Legal Action?

THE PLAINTIFFS

World Federalists of Canada (Coordinating Plaintiff)
Lawyers for Social Responsibility
National Union of Provincial Government Employees
Veterans Against Nuclear Arms
Assembly of First Nations
Operation Dismantle
Voice of Women

ENDORISING MUNICIPALITIES

Alert Bay, B.C.
Creston, B.C.
Fort St. James, B.C.
Grand Forks, B.C.
North Vancouver, B.C.

Terrace, B.C.
Tofino, B.C.
Vespra, Ont.
Windsor, Ont.

THE LEGAL TEAM

Thomas G. Anderson, Vancouver
Daniel Arbers, New York
Ed Babin, Toronto
The Hon. Thomas Berger, Vancouver
John F. Brewin, Victoria
Patricia Chapman, Toronto
Ken Cooper-Stephenson, Saskatoon
Irwin Cotler, Montreal
Gordon Cross, Toronto
Norman Dwyer, Toronto
Peter Fraser, Vancouver
Philip Girard, Halifax
Margaret E. Gossin, Ottawa
L.C. Green, Edmonton
Michael Green, Toronto
Jennie Hatfield Lyon, Toronto

David Matas, Winnipeg
Don McRae, Vancouver
Dr. Edward McWhinney, Vancouver
William A. Pearce, Victoria
Roy J. Romanow, Q.C., Saskatoon
Clayton Ruby, Toronto
David Scott, Ottawa
Bruce Torrie, Vancouver
David Vickers, Victoria
Leon Vickers, Encino
Jay Waterman, Toronto
Sharon Williams, Toronto
David Wintzinger, London
David F. Woloshyn, Saskatoon
David Wright, Q.C., Toronto

ENDORISING ORGANIZATIONS (Partial List)

ACT Niagara
Albert Valley Coalition for Nuclear
Dismantment
Ancaster Citizens for Nuclear
Dismantment
Association of United Ukrainian
Canadians
Atlantic School of Theology - The Faculty
Canada-USSR Association - Winnipeg
Can. Association of University Teachers
Can. Council for International
Cooperation
Can. Engineers for Nuclear Dismantment
Can. Environmental Law Assoc.
Can. Mission Association
Can. Physicians for the Prevention of
Nuclear War
Can. Psychologists for Social
Responsibility
Can. Unitarian Council
Can. Concerned About Southern Africa
Central Toronto Peace Group
Christian Movement for Peace
Church in Society Committee - Trinity St.
Stephen's United Church
Church of St. Philip the Apostle - Shalons
Group
Citizens for Nuclear Responsibility,
Lamarkville
Cochrane Nuclear Dismantment Group
Committee for a Clean Kettle Valley
Community Forum - Toronto
Concerned Students of Bishop's College
School
Confederation of Canadian Unions - B.C.
Council
Congress of Canadian Women
Conseil québécois de la paix
Crisis Missile Conversion Project
DEC - Development Education Centre
Deserens Island Peace Group

Don Heights Unitarian Congregation
Energy Probe
Erimdale United Church Peace Group
Families for Peace - Vancouver
Families for Peace and Justice
Fellowship of Reconciliation
First Unitarian Congregation of Toronto
Plemborough Peace Group
Gabriola Island Peace Association
Global Citizens
Greater Victoria Dismantment Group
Green Party of British Columbia
Greenspace Foundation
Haitian Hills Action for Nuclear
Dismantment
Hamilton Peace Council
Hillcrest for Peace
Hiroshima Nagasaki Revisited
Honorary Sheriffs International
Inner Peace
International Institute of Concern for
Public Health
Kamloops-Shawap Peace Council
Kelowna Peace Group
Kingston Road United Church
Kootenay Nuclear Study Group
Lamark Action for Peace
Leithridge Nuclear Dismantment Coalition
Ligue des Femmes du Québec
Manitoba Educators for Social
Responsibility
Maritime Citizens for Nuclear
Dismantment
Metro Toronto Legal Services
Mississauga Peace Group
Nanooks Conversion Campaign
National Action Committee on the Status of
Women (NAC)
National Assoc. of Friendship Centres
Native Women's Association of Canada
Newfoundland & Labrador Peace
Network

Niagara Coalition For Dismantment
Niagara Peace Movement
North York for Peace
Nuclear Awareness Project
Nurses for Social Responsibility
Ontario Federation of Labour
Ontario Greens
Peace Research Institute - Dundas
Peacefire - Toronto
Peel Peacekeepers
Pembina Institute for Appropriate
Development
Performing Artists for Nuclear
Dismantment (PAND)
Philosophers for Peace
Project Houghshares (National)
Project Houghshares Branches -
Edmonton, Fort Qu'Appelle,
Halifax/Dartmouth, King's County,
Medicine Hat, Montreal, Niagara,
Queens County, Saskatoon, Smithers,
South Simcoe, St. John, Sussex
Psychologists for Social Responsibility
Branches - Kingston, Toronto,
Waterloo
Regal Road Day Care Centre
Roman Catholic Diocese of Victoria -
Social Justice Commission
Rural Alliance for Peace
Salt Springs Nuclear Dismantment Group
Scarboro Foreign Mission Society -
Justice and Peace Office
Scarborough Peace Action
Science for Peace
Shalons Dismantment Group
Social Defense Project
Society Promoting Environmental
Conservation
Spartacus Books
St. Ignace Peace Group
Students Against Global Extremism
(SAGE)

The Marquis Project, Manitoba
Thunder Bay Coalition for Peace and
Nuclear Dismantment
Toronto Dismantment Network
Townships Peace Group
Tweed Action Group
Unitarian Church of Montreal - Social
Concerns Committee
Unitarian Fellowship of St. Catharines
Unitarian Universalist Church, N. Hadley,
Que.
United Campaign to Prevent Nuclear War
- University of Toronto
United Church of Canada - Toronto
Conference International Affin Cise
United Church of Canada - Working Unit
on Social Issues and Justice
United Electrical, Radio and Machine
Workers of Canada
United Jewish People's Order
United Nations Association -
Brandon-Westman Branch
United Nations Association in Canada -
Metro Toronto Branch
University of Western Ontario - Nuclear
Awareness Committee
University Women's Club of North York
Uruguay Memorial Action Committee
Vancouver Unemployment Action Centre
Verona Peace Coalition
West Islanders for Nuclear Dismantment
(WIND)
Windsor Coalition For Dismantment
Windsor Coordinating Committee for
Dismantment
Women's International League for Peace
and Freedom
York North Peace Group
Youth Nuclear Dismantment Tour

Hamilton Status of Women

THE HAMILTON STATUS OF WOMEN SUB-COMMITTEE
CITY HALL, 71 MAIN ST. WEST, HAMILTON, ONT. L8N-3T4

♀ (416) 526-2735

1988 May 26

Municipal Action Committee
25 Dundana Avenue
Dundas, Ontario
L9H 4E5

Dear Mrs. Rogers:

Please be advised that at its meeting of 1988, May 13, the Hamilton Status of Women Sub-Committee supported the Municipal Action Committee's initiative in seeking an endorsement from Hamilton City Council for their Nuclear Weapons Legal Action.

Yours truly

Stella Glover jc

Stella Glover
Secretary
Hamilton Status of Women
Sub-Committee

SG/jc

cc: Mr. A. Thompson, Secretary
Legislation Committee

*Letter
Endorsement.
C.C. Registration Comm.*

April 18, 1988

Council on the Status of Women

Hamilton, Ontario

Dear Friend:

The Municipal Action Committee of the Hamilton Disarmament Coalition is planning to ask the city of Hamilton to endorse the Nuclear Weapons Legal Action, an action seeking a federal court declaration that nuclear weapons are illegal under international law. A preliminary investigation by a team of lawyers suggests that a strong case can be made, and that a successful court action may be possible in the Canadian system.

Enclosed you will find some information explaining the strategy in more detail, including a copy of our proposed resolution to be voted on by the council.

The Nuclear Weapons Legal Action will begin from a position of non-confrontation. Once they have researched and prepared their case, they will formally ask the Canadian government to cooperate in seeking a ruling from the courts. It is, of course, much more likely that the government will agree to "cooperative litigation" if a very large number of groups representing a broad cross-section of Canadian society has endorsed the case. This is why we are asking at this time that your organization send a letter of support for the Municipal Action Committee's initiative in seeking an endorsement from the Hamilton City Council. Please send your letter to Municipal Action Committee, 25 Dundas Avenue, Dundas, Ontario, L9H 4E5.

2.

Should the federal government refuse to cooperate in having this vital public issue adjudicated, the *Nuclear Weapons Legal Action* may decide, based on their financial and organizational strength, to proceed alone with litigation. At that time - indeed, at any time - all endorsers and plaintiffs will have the opportunity to review their involvement. To be very clear, what you would be endorsing is:

1. the research effort to establish the legal case against nuclear weapons;
2. soliciting the federal government's cooperation in having the issue adjudicated.

Endorsing the *Nuclear Weapons Legal Action* puts your organization - or the City of Hamilton - under no financial obligation.

We hope you will give the *Nuclear Weapons Legal Action* your consideration and support.

Yours sincerely,

Member of the
Municipal Action Committee
of the Hamilton Disarmament Coalition
25 Dundas Avenue
Dundas, Ontario
L9H 4E5

If you have any questions, please call Arlene Fox or Hanna Newcombe at 628-2356.

Monday, 1988 June 20
9:30 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present: Alderman V. J. Agro, Chairman
Alderman D. Christopherson, Vice-Chairman
Alderman M. Kiss
Alderman P. Valeriano
Alderman R. Wheeler
Alderman P. Cowell
Alderman J. Gallagher
Alderman T. Murray

Regrets: Mayor R. Morrow - City Business.

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. E. Simpson, City Clerk
Mr. P. Hooker, City Solicitor's Office
Ms. L. Lawrence, City Solicitor's Office
Mr. S. Dembe, Manager of Licencing
Mr. J. Thompson, Secretary

1. Minutes

The minutes of the meeting of the Legislation Committee held 1988 May 02 were received and adopted as circulated to the members.

Adoption of
Minutes of the
Meeting Held 1988
May 02

2. Non-Smoking Policy With Respect to Private Offices

The Committee was in receipt of the following resolution dealing with the Non-smoking Policy with respect to the private offices of the members of City Council which was referred back to the Legislation Committee by City Council at its meeting held Tuesday, 1988 May 10 for further deliberation:

"That, in order to clarify the non-smoking policy in Civic Departments adopted by City Council at its meeting held Tuesday, 1987 May 12, smoking will continue to be permitted in the private and closed offices of the members of City Council in City Hall on the understanding that members of City Council shall comply to accommodate the preference of any person requesting a cessation of smoking while attending in their offices."

It was moved by Alderman Gallagher, seconded by Alderman Wheeler that the following resolution be submitted to City Council for approval:

"That, in order to clarify the non-smoking policy in Civic Departments adopted by City Council at its meeting held Tuesday, 1987 May 12, smoking will continue to be permitted in the private and closed offices in City Hall on the understanding that members of City Council or staff shall comply to accommodate the preference of any person requesting a cessation of smoking while attending in their offices."

Alderman Valeriano commented that adoption of the amended resolution would create a health hazard inasmuch as the offices in City Hall are not exhausted or ventilated directly to the outdoors to prohibit re-circulation of harmful gases.

Alderman Christopherson stated that adoption of the amended resolution would generate resentment among staff who do not have their own private offices, adding that the non-smoking rules should be applied to everyone on an equal basis.

Non-Smoking
Policy With Respect
to Private Offices

Mr. Sage commented that the present policy respecting smoking in the workplace in City Hall should remain unchanged.

It was noted that the Aldermen's offices are on a separate ventilation system to the outside.

Following discussion, the Committee voted on the amended resolution which was lost on a tie vote of 4 to 4.

The resolution as referred back by City Council was subsequently not dealt with and as a result remains as unfinished business.

City Hall
Ventilation System

3. City Hall Ventilation System

In discussion on the non-smoking policy, members of the Committee expressed some concern over the adequacy and effectiveness of the City Hall mechanical ventilation and filtration systems in removing gaseous pollutants from the indoor environment. The Committee was unanimous in its feeling that in order to be totally effective, designated smoking areas should be exhausted directly to the outdoors to prohibit re-circulation of harmful gases.

In this regard, the Committee directed the Chief Administrative Officer to make the necessary arrangements with the Central Utilities Plant to investigate the possibility of adding fresh air from the outdoors to the City Hall ventilation system and the financial implications to carry out these improvements. The Committee also requested the Chief Administrative Officer to arrange to have the quality of the air in the City Hall tested having regard to the fact that the indoor air is being re-circulated and not exhausted directly to the outdoors.

New Designated
Smoking Room -
Basement

4. New Designated Smoking Room - Basement

As outlined in a report of the City Clerk dated 1988 June 15, the Committee agreed to submit the following recommendation and explanatory note to City Council for approval:

That the Director of Property be authorized and directed to consolidate all Civic department storage areas within City Hall, through departmental sharing and/or reallocation of space in order that a new designated basement smoking room can be created.

Note: The financial implications are unknown at this time, however, it is recommended that a consultant be retained to study the air handling system as it pertains to the room to be used as a smoking area. It is expected that the projected cost will not be substantial, however, the details will be forthcoming in a subsequent report.

Smoking Control
Program

5. Smoking Control Program

The Committee was in receipt of a report of the City Clerk dated 1988 June 15 recommending that the Smoking Control Program which is scheduled to expire on 1988 August 01, be continued on a permanent basis.

The total cost for the remainder of 1988, including salary, benefits, purchase of signs, rental car pool and the purchase of an automobile is \$26 530.

The Committee agreed to table the report pending a review of the draft by-law respecting smoking in the workplace.

6. Workplace Smoking Draft By-lawWorkplace Smoking
Draft By-law

The Committee was in receipt of a copy of draft no. 2 of the By-law Respecting Smoking in the Workplace.

It was noted that the members of the Committee agreed at a prior meeting that the draft by-law would be referred to a public forum to receive comment and input.

The Committee agreed to hold a public meeting in the Council Chambers on Wednesday, 1988 June 29 at 7:30 o'clock p.m. to consider the proposed by-law and receive public input.

7. Street Vendor's ProgramStreet Vendor's
Program

The Committee was in receipt of a report of the City Clerk dated 1988 June 15 recommending the following:

- (a) That a sub-committee be created to take over administration of the Street Vendor's Program. The sub-committee would include representatives of the Downtown B.I.A., members of the Legislation Committee and Staff.
- (b) That the Legislation Committee determine how the pending application should be dealt with.

It was suggested by Aldermen Valeriano and Murray that the Street Vendor's Program should be referred to the Hamilton Licencing Committee for administration.

Following consideration, the Committee agreed to table the report and directed Mr. Dembe to prepare a further report containing additional information on the upside and downside of continuing with the Street Vendor's Program in 1989 in view of the fact that very few locations are being utilized.

At the suggestion of Mr. Hooker, the Committee agreed that the by-law regulating the Street Vendor's Program should be amended to clearly indicate that the program falls within the purview of the Legislation Committee. Mr. Hooker explained that there is no reference to the Legislation Committee in the regulating by-law.

8. Final Report of the Advisory Committee on Municipal ElectionsFinal Report of the
Advisory Committee
on Municipal
Elections

As outlined in a report of the City Clerk dated 1988 June 13, the Committee agreed to submit the following recommendation to City Council for approval:

That the City of Hamilton support the following resolution of Mr. Mike Breagh which he placed before the Legislative Assembly on May 16 of this year respecting the implementation by the Province of legislation which would amend the Municipal Elections Act in an election year:

"That, in the opinion of this House, the Government of Ontario should endorse the recommendation (No. 82) of the Final Report of the Advisory Committee on Municipal Elections to the Minister of Municipal Affairs in February, 1987, which states that no changes in the method of election or in the composition of municipal councils or school boards be permitted after January 15th of an election year."

September
Council Meeting

9. September Council Meeting

As outlined in a report of the City Clerk dated 1988 June 15, the Committee agreed to submit the following recommendations and explanatory note to City Council for approval:

- (a) That one meeting only of City Council be held on the last Tuesday of September.
- (b) That City of Hamilton Procedural By-law No. 82-203 be amended accordingly.

Note: It appears that the general consensus favours that the summer meeting schedule of Standing Committees and City Council should be extended into September in order to avoid the necessity of having to schedule meetings around Labour Day.

Italo-Canadian
Recreation Club -
Annual Summer
Festival

10. Italo-Canadian Recreation Club - Annual Summer Festival

As outlined in a report of the City Clerk dated 1988 June 15, the Committee agreed to submit the following recommendation to City Council for approval:

That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a Special Occasion Permit to the Italo-Canadian Recreation Club, 14 Cannon Street West, Hamilton on the occasion of their annual "Summer Festival" to be held 1988 July 22 and July 23.

Y.W.C.A.
Centennial
Celebrations

11. Y.W.C.A. Centennial Celebrations

As outlined in a report of the City Clerk dated 1988 June 15, the Committee agreed to submit the following recommendation to City Council for approval:

That permission be granted to the Hamilton Y.W.C.A. to use the City Hall Council Chambers on Tuesday, 1989 January 03 from 12:00 noon to 1:00 p.m. for a ceremony to initiate their Centennial Celebrations throughout 1989.

Latvian
Community

12. Latvian Community

As outlined in a report of the City Clerk dated 1988 June 15, the Committee agreed to submit the following recommendation to City Council for approval:

That permission be granted to the Organizing Committee of the Latvian Community to use the City Hall Council Chambers on Saturday, 1988 November 19 from 10:00 a.m. to 1:00 p.m. for a ceremony to commemorate the 70th Anniversary of the declaration of independent Latvia.

Canada
Employment Centre
for Students

13. Canada Employment Centre for Students

As outlined in a report of the City Clerk dated 1988 June 15, the Committee granted permission to the Canada Employment Centre for Students to use the City Hall forecourt on Tuesday, 1988 June 21 to initiate an opening ceremony in celebration of their 20th Anniversary of the operation of the Canada Employment Centre for Students.

Operation Dismantle
(Inc.) -
Resolution Against
Nuclear
Submarines

18. Operation Dismantle (Inc.) - Resolution Against Nuclear Submarines

The Committee was in receipt of a letter from Operation Dismantle (Inc.) dated 1988 May 13 recommending that City Council pass a resolution calling for the cancellation of the Canadian Submarine Program.

Following consideration, the Committee agreed to submit the following recommendation to City Council:

That the following resolution from Operation Dismantle (Inc.) against nuclear submarines, be received.

"WHEREAS:

Nuclear attack submarines can neither prevent nuclear war nor protect Canada in the event of one; and

Canadian nuclear attack submarines could be seen as destabilizing or provocative, especially if used as part of the US strategy of challenging Soviet vessels in their home waters; and

Acquiring nuclear submarines calls into question Canada's adherence to the Nuclear Non-Proliferation Treaty; and that

The cost of acquiring nuclear submarines competes directly with federal government funding for municipalities and other needed programs;

THEREFORE BE IT RESOLVED

that the Corporation of the City of Hamilton calls upon Canada's federal government to cancel the nuclear submarine acquisition program and examine more cost-effective and safe methods of assuring Canadian and international security."

Waste
Management Plans

19. Waste Management Plans

The Committee was in receipt of a resolution from the Area Municipalities Waste Management Steering Committee petitioning the Ministry of the Environment to initiate legislation supporting the establishment of a Board of Management by those municipalities that have completed a solid waste master management plan.

As recommended in a report of the City Clerk dated 1988 June 16, the Committee agreed to refer the resolution to the Regional Clerk's Office requesting that it be submitted to the appropriate regional committee for consideration and recommendation inasmuch as waste management is a responsibility of Regional Council and is a matter to be more properly dealt with by possibly the Regional Engineering's Services Committee.

14. City of Hamilton's Open House - 1988

As outlined in a report of the Chairman of the Open House Committee dated 1988 May 20, the Committee agreed to recommend to City Council that approval be given to hold the Sixth Annual Open House on Tuesday, 1988 September 27.

1988 City of
Hamilton
Open House

15. Armed Forces Appreciation Day

As outlined in a report of the City Clerk dated 1988 June 15, the Committee approved the request of the Hamilton Militia District to use the City Hall forecourt on Saturday, 1988 June 25 in connection with a parade in celebration of Armed Forces Appreciation Day.

Armed Forces
Appreciation Day

16. Hamilton Estonian Community, Hamilton Latvian Society, Lithuanian Canadian Community - Application to Erect a Memorial Plaque

The Committee was in receipt of an application from the Hamilton Estonian Society, the Hamilton Latvian Society and the Lithuanian Community in Canada requesting permission to erect a memorial plaque on the wall of the second floor lobby in City Hall on the occasion of the 70th year of the proclamation of the independence of the three Baltic States. The plaque would be in memory of the one million Baltic citizens - men, women and children deported to Siberian slave camps after the Soviet occupation of the Baltic States in 1941 and the subsequent years.

Hamilton Estonian
Community,
Hamilton Latvian
Society,
Lithuanian Canadian
Community -
Application to
Erect a
Memorial Plaque

The proposed text of the plaque with the historical emblems of the free Baltic States was attached to the application.

The City Clerk explained that City Council in 1985, approved that a panel of matching wood be installed outside the office of the Chief Administrative Officer on which plaques could be mounted. City Council also approved a standard size for any plaques that are placed in City Hall.

Alderman Wheeler commented that the City Hall should be used in such a way as to establish a neutral position on national issues adding that the text of the plaques could become politically sensitive if observed by a representative of another government visiting the City Hall.

Alderman Gallagher commented that the City could be liable for slanderous conduct if the text of a plaque is not documented as historical fact.

Following consideration, the Committee agreed to approve the application pending review of the policy outlining guidelines for plaques in City Hall. It was agreed that the Committee will review the policy respecting plaques once the proposed policy has been developed for consideration by the Committee regarding the placement of commemorative plaques, memorials, time capsules, etc. upon the grounds of City Hall. The Secretary advised the Committee he has requested the comments and recommendations of the Director of Property regarding the proposed policy for the use of the grounds of City Hall.

Alderman Gallagher was recorded as opposed to approving the erection of the plaque pending review of the policy and guidelines.

17. 1988 AMO Annual Conference

The Committee agreed to recommend to City Council that members of City Council wishing to do so, be authorized to attend the 1988 Annual Conference of the Association of Municipalities of Ontario to be held 1988 August 23 to August 24 at the Royal York Hotel, Toronto.

1988 AMO
Annual Conference

20. Civic Awards

Civic Awards

The Committee agreed to submit the following recommendations to City Councils:

That a gold civic pin be awarded to Mr. David Custeau who won the Provincial Junior Ten Pin Bowling Championship in 1988.

That silver civic pins be awarded to the Bantam Boys Team from Sherwood Centre, Hamilton who were declared the Provincial Champions of the Youth Bowling Council in Toronto, 1988 March 20.

That civic awards be granted to the following members of the Hamilton Ladies Team of the Hamilton and District Five Pin Bowlers Association who recently won the Provincial and Canadian Championships in five pin bowling:

Cheryl Bates	-	Gold Civic Pin and Ring
Pam Secula	-	Gold Civic Pin and Ring
Josie Tuck	-	Diamond insert

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1988 June 20

Typed by M. J. Walton

FOR ACTION

2(a)

REPORT TO: Mr. J. D. Thompson, Secretary,
Legislation Committee

FROM: K. A. Rouff, City Solicitor

DATE: 1988 July 12

COMM FILE:

DEPT FILE: 40-105.1

SUBJECT:

By-law Respecting Smoking in the Workplace.

RECOMMENDATION

That the attached draft by-law be introduced and approved in principle.

NOTE: It is necessary to obtain private provincial enabling legislation before this proposed by-law may be given third and final reading, and enacted.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The second draft of this proposed by-law to regulate smoking in private workplaces within the City of Hamilton was introduced to the Legislation Committee at its meeting of 20 June 1988.

It was tabled, pending referral to a public forum.

A public meeting was held on 29 June 1988 to consider the proposed by-law in its second draft form.

One day earlier, on the 28th day of June, Bill C-204, being an Act to Regulate Smoking in the Federal Workplace, received royal assent by the Senate. It has yet to be proclaimed in force.

As a result of input received at the public meeting and a review of Bill C-204, some changes were made to the draft proposed by-law for the City of Hamilton. It is now being submitted to the Legislation Committee and Council in its final form, for approval in principle.

Provincial enabling legislation is required for Council to enact this proposed by-law.

SUMMARY OF THE PROPOSED LEGISLATION

The proposed by-law, in its final form, requires all employers in the City of Hamilton, who have not adopted a total smoking prohibition in the workplace, to adopt a smoking policy on or before 01 September 1988 (sections 2 and 4).

This smoking policy must prohibit smoking in the workplace, except in certain designated smoking rooms and designated smoking areas (section 5).

In establishing the designated smoking rooms and areas, employers are required to take into account the concerns and preferences of both smokers and non-smokers (section 6). But the ultimate responsibility for establishing, adopting and maintaining the policy lies with the employer, who may handle objections to any proposed or adopted policy in his or her discretion.

Designated smoking rooms are to be fully enclosed and ventilated. And the employer is required to make all reasonable efforts to ventilate designated smoking rooms to the outside (section 7).

In new buildings and workplaces constructed after 01 January 1990, all designated smoking rooms are to be constructed with independent ventilation (i.e. ventilation to the outside). Where portions of dining rooms, cafeterias, and lunch rooms are designated smoking areas, By-law No. 80-258 respecting Smoking in Public Places applies (section 7(3)).

Section 2(b) requires an employer of any workplace created after 01 September 1988 to adopt a smoking policy within 7 days of its creation.

Once a smoking policy has been adopted, this draft by-law requires the employer to post signs in the workplace, and to personally notify every employee who is affected by the policy (sections 3 and 17). It also imposes a maximum fine of \$2,000.00 on any employer, employee, or any other person who is convicted of contravening the provisions of the by-law (sections 12, 13, and 14).

In addition, amendments are made to By-law No. 80-258 in order to avoid, as much as possible, the potential for conflict between its provisions and this draft by-law. Then, section 18 of the draft by-law makes it clear that, in the event of any conflict, the provisions of the Workplace Smoking By-law will prevail.

c.c. Alderman P. O. Valeriano
 c.c. Alderman D. Ross
 c.c. Mr. S. J. Dembe,
 Manager, Licence Division,
 City Clerk's Department
 c.c. Mr. L. Staley,
 Smoking Control Officer,
 City Clerk's Department
 c.c. Mr. L. Sage,
 Chief Administrative Officer
 c.c. Mr. P. Kuppe, Building Commissioner
Attn: Mr. B. Allick
Attn: Mr. T. Redmond
 c.c. Mr. D. W. Vyce,
 Director of Property
 c.c. Dr. A. I. Cunningham, M.D., D.T.M.H.D.P.H.,
 Medical Officer of Health
Attn: Mr. J. Ford
 c.c. Chief L. G. Saltmarsh,
 Hamilton Fire Department

The Corporation of the City of Hamilton

BY-LAW NO. 88-

Respecting:

SMOKING IN THE WORKPLACE

WHEREAS it has been determined that second-hand tobacco smoke (exhaled smoke and smoke from idling cigarettes, cigars and pipes) is irritating and discomforting, and a hazard to the health of the workers of the City of Hamilton;

AND WHEREAS it is desirable to regulate the effects of second-hand smoke in the workplace in accordance with the provisions of this by-law;

AND WHEREAS the City of Hamilton Act, 198_, authorizes the Council of The Corporation of the City of Hamilton to pass by-laws respecting smoking in the workplace;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item ____ of the ____ Report of the Legislation Committee at its meeting held on the ____ day of _____, 198_, authorized the enactment of a by-law pursuant to the City of Hamilton Act, 198_.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,

"Council" means the Council of The Corporation of the City of Hamilton;

"designated smoking area" means a separate space set aside for use by smokers and clearly identified as such, but does not include an area normally occupied by non-smokers;

"designated smoking room" means

- (a) for an office building or other enclosed work space constructed prior to January 1, 1990, an enclosed space, and
- (b) for an office building or other enclosed work space constructed on or after January 1, 1990, an enclosed and independently ventilated space

set aside for use by smokers and clearly identified as such, but does not include areas normally occupied by non-smokers;

"employee" includes a person who,

- (a) performs any work for or supplies any services to an employer, or

- (b) receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer;

"employer" includes any person, who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;

"enclosed" means closed in by a roof or ceiling and four walls with an appropriate opening or openings for ingress or egress;

"smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;

"smoking policy" means a written policy that attempts to accommodate the preferences of smokers and non-smokers in a workplace;

"workplace" means any enclosed area of a building or structure in which an employee works, and includes a reception area, lobby, corridor, hallway, lunch room, cafeteria, dining room, lounge, or washroom.

Workplace Smoking Policy

2. (a) Every employer in the City of Hamilton shall, before the 1st day of September 1988, adopt and implement a smoking policy in respect of each workplace under the control, supervision or ownership of the employer.

(b) Where a workplace is created or comes into existence after the 1st day of September 1988, the employer responsible for such workplace shall within 7 days after such workplace is created or comes into existence, adopt and implement a smoking policy in respect of each such workplace under the control, supervision or ownership of the employer.

3. Every employer required by this by-law to adopt and implement a smoking policy shall,

- (a) thereafter maintain that smoking policy in the workplace for which it was adopted;
- (b) give written notice of the adoption of the smoking policy to each employee in the workplace within 7 days after the day upon which the smoking policy in respect to that workplace was adopted;
- (c) erect and maintain signs in accordance with section 10 of this by-law indicating where smoking is prohibited by the smoking policy; and
- (d) erect and maintain signs in accordance with section 10 of this by-law at every entrance to the workplace indicating that smoking is prohibited in certain areas thereof by the smoking policy.

4. The provisions of sections 2 and 3 shall not apply where an employer has already established a policy that totally prohibits smoking in the workplace, and has posted signs to that effect.

5. Where the employer's workplace smoking policy does not totally prohibit smoking in the workplace, the policy shall prohibit smoking in the workplace, except in designated smoking rooms and designated smoking areas.

6. In establishing the designated smoking rooms and designated smoking areas under section 5, the employer shall take into account the concerns and preferences of both smoking and non-smoking employees.

7. (1) Every designated smoking room shall be fully enclosed and ventilated.

(2) Every employer shall make reasonable efforts to ensure that a designated smoking room is independently ventilated.

(3) (a) Notwithstanding subsection (1), portions of a dining room, cafeteria or lunch room may be designated as a smoking area.

(b) Where a dining room, cafeteria or lunch room is to include a designated smoking area, the provisions of City of Hamilton By-law No. 80-258 respecting Smoking in Public Places, Sections 17 and 18, shall apply.

8. No person shall smoke in a workplace contrary to the smoking policy adopted for that workplace.

9. No employer shall permit smoking in a workplace contrary to the smoking policy adopted for that workplace.

Signs

10. (1) Every sign that prohibits smoking shall comply with the following requirements:

1. Carry the text "NO SMOKING" in upper case or lower case letters, or a combination of both.
2. Consist of two contrasting colours, or consist of lettering contrasting to the background colour where the lettering is applied directly to a surface or is mounted on a clear panel.
3. Consist of lettering not less than the height set out in column 2 of Table 1, for the corresponding maximum viewing distance in direct line of sight, in column 1.

TABLE 1

Distance in Feet (Column 1)	Height in Inches (Column 2)
10 or less	1
20	2
40	3
80	4
160	6
more than 160	8

4. Include in the text at the bottom of each sign, "City of Hamilton By-law No. 88- _____ Maximum Fine \$2,000" in letters and figures not less than,

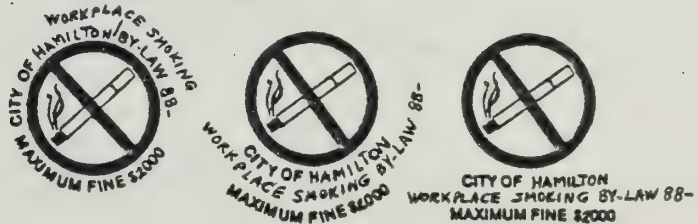
- (a) 1/2 inch in height for signs with letter size of 1 inch; and
- (b) 1/4 of the height of the letters for all other sizes of signs having lettering greater than one inch.

(2) For the purpose of subsection 1, "letter height" means the actual height of the letter whether or not the letter is in lower case or in upper case.

11. (1) Notwithstanding section 10, a graphic symbol in accordance with subsection 4 of this section may be used to indicate no smoking areas.

(2) Every graphic symbol shall comply with the following requirements:

1. Include the text "City of Hamilton By-law No. 88- _____ Maximum Fine \$2,000" in letters and figures occupying at least 5% of the diameter of the circle of such symbol.
2. Consist of a white background having,
 - (a) a circle and interdictory stroke in red upon the background; and
 - (b) a cigarette, letters and figures in black, in accordance with the provisions of this section.
3. Consist of one of the following symbols:



4. Consist of a symbol shown in paragraph 3, having a diameter not less than the diameter set out in column 2 of Table 2 for the corresponding maximum viewing distance in direct line of sight, in column 1.

TABLE 2

Distance in Feet (Column 1)	Height in Inches (Column 2)
10 or less	4
20	6
40	8
80	12
160	16
more than 160	24

(3) Notwithstanding subsection (2), every graphic symbol may contain a directional arrow.

(4) Notwithstanding that the content of a graphic symbol contains a cigarette, the prohibition shall include a cigar, pipe or any other lighted smoking equipment.

Offence and Penalty

12. Any employer who permits smoking in a workplace contrary to the smoking policy adopted for that workplace is guilty of an offence, and on conviction is liable to a fine not exceeding \$2,000.00, exclusive of costs, for each offence.

13. Any employer who refuses, fails or neglects to perform any of the duties imposed upon an employer under any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$2,000.00, exclusive of costs, for each offence.

14. In addition to the provisions of sections 12 and 13, any person who smokes in contravention of any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine not exceeding \$2,000.00, exclusive of costs, for each offence.

15. This by-law shall be enforced by the Licensing Division of the Clerk's Department for The Corporation of the City of Hamilton.

Amendment to By-law No. 88-258

16. By-law No. 88-258, as amended, respecting smoking in public areas, is further amended by inserting after section 22 the following sections:

22A. None of the provisions of this By-law shall apply so as to permit smoking where smoking is prohibited in a smoking policy adopted under the Workplace Smoking By-law No. 88-____.

22B Where under this By-law a proprietor is permitted to designate an area as a smoking area, the area so designated as a smoking area shall not include any area where smoking is prohibited under the Workplace Smoking By-law No. 88-____.

General

17. Any notice required by this by-law to be given by the employer shall be,

- (1) posted and kept continuously displayed in a prominent place which is accessible to all employees in the workplace; and

- (2) personally distributed to each employee in that employee's usual working area in the workplace.

18. In the event of conflict between the provisions of this by-law and By-law No. 80-258, as amended, or any other City of Hamilton by-law, the provisions of this by-law prevail.

19. This by-law comes into effect on the date of enactment.

20. This by-law may be cited as the "Workplace Smoking By-law."

PASSED this day of , A.D. 1988.

City Clerk

Mayor

(1988) R.L.C.

216

FOR ACTION

REPORT TO: Mr. John Thompson, Secretary
Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 15 June 1988
COMM FILE:
DEPT FILE:

SUBJECT: Smoking Control Program

RECOMMENDATION:

That the Smoking Control Program, which is scheduled to expire on August 1, 1988, be continued on a permanent basis.

E. A. Simpson

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

Total cost for the remainder of 1988, including salary, benefits, purchase of signs, rental car pool and the purchase of an automobile is \$26,530.00.

BACKGROUND

The program first started in June of 1986 with two employees. Since November of 1986, one individual has continued to provide information, handle complaints and sell a variety of no smoking signs. Since January 1, 1988, 560 routine inspections and 252 complaints have been handled. Approximately 1688 signs have been sold with total sales of \$4326.00. There are still approximately 8500 inspections to be completed. Inquiries and complaints have greatly increased. The Workplace Smoking By-law which is now being drafted will require substantial involvement by the Smoking Control Officer. This new legislation has already generated substantial inquiries. Once adopted, many additional inspections will be necessary and it is also anticipated that additional revenues will be forthcoming through the sale of signs and portable air cleaners.

FOR ACTION

265

REPORT TO: Legislation Committee
FROM: John Thompson, Secretary
Legislation Committee

DATE: 1988 July 12
COMMITTEE FILE:
DEPARTMENT FILE:

SUBJECT:

Clarification of Non-Smoking Policy.

RECOMMENDATION:

That a final decision be made on the following resolution dealing with the City's non-smoking policy with respect to the private offices of the members of City Council which was referred back by City Council on 1988 May 10 for further consideration:

"That, in order to clarify the non-smoking policy in Civic Departments adopted by City Council at its meeting held Tuesday, 1988 May 12, smoking will continue to be permitted in the private and closed offices of the members of City Council in City Hall on the understanding that members of City Council shall comply to accommodate the preference of any person requesting a cessation of smoking while attending in their offices."

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

At its meeting held 1988 June 20, the Legislation Committee considered an amendment to the above resolution to allow smoking in all private and closed offices in City Hall. The motion to amend was lost on a tie vote.

The resolution as referred back by City Council was subsequently not dealt with and remains unresolved and as unfinished business.

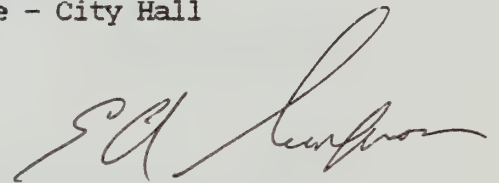
FOR INFORMATION

REPORT TO: Mr. John Thompson, Secretary
Legislation Committee

FROM: Mr. E. A. Simpson
City Clerk

DATE: 15 June 1988
COMM FILE:
DEPT FILE:

SUBJECT: Policy Respecting Smoking in the Workplace - City Hall



BACKGROUND:

As of July 1, 1988, it will be one year since the implementation of a Workplace ban on smoking took effect. This policy came after a staff survey was undertaken wherein 81% of all employees wanted either a total ban or designated smoking areas. The three designated smoking areas are (1) Cafeteria, (2) Basement Smoking Area and (3) all washrooms.

Generally speaking, the policy has been well received with relatively few problems. We, therefore, believe that the present system is working and should remain unchanged.

EAS/hm

FOR ACTION

3.

REPORT TO: Mr. J. D. Thompson, Secretary,
Legislation Committee

FROM: K. A. Rouff, City Solicitor

DATE: 1988 July 12

COMM FILE:

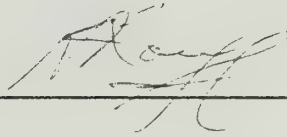
DEPT FILE: 50-31.6

SUBJECT:

By-law Respecting Election Contributions and Expenses.

RECOMMENDATION

That the attached draft by-law be enacted by City Council.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

With the enactment of the Municipal Elections Statute Law Amendment Act, 1988, S.O. 1988, c. 33, S. 11, S. 121 of the Municipal Elections Act, R.S.O. 1980 was repealed. Substituted in lieu thereof is a new province-wide statutory regime for the registration of candidates for municipal elections, and for the regulation and reporting of municipal election contributions and expenses.

Accordingly, By-law No. 85-243 is no longer necessary.

c.c. Mr. E. A. Simpson, City Clerk
Attn: Mr. S. G. Hollowell,
Manager, Records Division

The Corporation of the City of Hamilton

BY-LAW NO. 88-

To Repeal:

By-law No. 85-243

Respecting:

ELECTION CONTRIBUTIONS AND EXPENSES

WHEREAS By-law No. 85-243 was passed by the Council of The Corporation of the City of Hamilton on the 29th day of October 1985, under the authority of S. 121 of the Municipal Elections Act, R.S.O. 1980, c. 308, as re-enacted by the Municipal Elections Amendment Act, 1982, S.O. 1982, c. 37, S. 25, as amended;

AND WHEREAS the Municipal Elections Statute Law Amendment Act, 1988, S.O. 1988, c. 33, S.11 repeals S. 121 of the Municipal Elections Act, R.S.O. 1980;

AND WHEREAS S. 12 of the said Municipal Elections Statute Law Amendment Act, S.O. 1988, c. 33, further amends S. 121 of the Municipal Elections Act, R.S.O. 1980 by substituting , in lieu thereof, a province-wide statutory regime for the registration of candidates for municipal elections, and for the regulation and reporting of municipal election contributions and expenses.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 85-243 is hereby repealed.

PASSED this day of A.D. 1988.

City Clerk

Mayor

FOR ACTION

4.

REPORT TO: MR. JOHN THOMPSON, SECRETARY
LEGISLATION COMMITTEE

FROM: MR. T. BRADLEY, MANAGER
PURCHASING

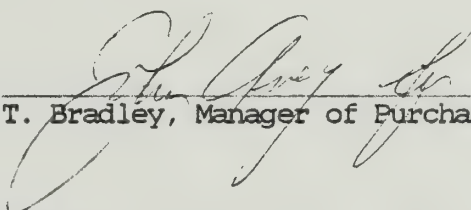
DATE: 1988 July 8
COMM FILE:
DEPT FILE:

SUBJECT: VOTER NOTIFICATION FORMS

RECOMMENDATION

That a purchase order be issued to Moore Business Forms, Burlington in the amount of \$16,668.24 for the supply and delivery of Voter Notification Forms in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of two (2) tenders received. Funds provided in Election, Office Supplies and Stationery Account #0322-0321


T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)
See above RECOMMENDATION

BACKGROUND - Tender Analysis

Moore Business Forms, Burlington	\$16,668.24
SBF Business Forms Inc., Puslinch	20,635.56

Twelve (12) suppliers were requested to bid. Two declined and eight did not respond.



CITY COUNCIL
HAMILTON, CANADA

5.
Alderman John Gallagher

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 388-3089 — WARD 7

M E M O R A N D U M

TO: Mrs. Susan Reeder, Secretary
Legislation Committee

FROM: Alderman John Gallagher


DATE: May 27, 1988

Please be advised that I am requesting that the issue of barking dogs disturbing neighbours be placed on the Legislation Committee agenda.

I am requesting that the Legislation Committee review the current by-laws in relation to this matter with the view to creating a by-law regarding a minimum fine of \$50.00 if a dog barks continuously for more than 20 minutes at any time of the day.

Successfully applied, I believe that the ongoing problem of inconsiderate dog owners allowing their dogs to create such a disturbance will resolved.

Thank you for your cooperation in this matter.


J. G.

:do

cc: Frank Westaway, Noise Control Officer
Ms. Anna P. Rocchi, 125 East 24th Street



CITY COUNCIL
HAMILTON, CANADA

6.
Alderman Henry Merling
Chairman — Transport &
Environment
Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 389-5903 — WARD 7

May 31, 1988

Mr. S. J. Dembe
Manager, Licence Division

Dear Sir,

In reference to your memorandum of May 9th, 1988 regarding distribution of handbills, would you please make the necessary arrangements to have this matter placed on the agenda of the next Legislation Committee meeting.

I would also appreciate it if you would arrange to have notification of the date and time of this meeting sent to me in order that I may address the committee on this matter.

Thank you.

Yours very truly,

Henry Merling
Alderman, Ward 7

HM:wt

MEMORANDUM • CITY OF HAMILTON

MAY 9 1988

TO : Alderman H. Merling

YOUR FILE:

FROM : S. J. Dembe
Manager, Licence Division

OUR FILE :

SUBJECT : Distribution of Hand Bills

DATE : 1988 May 9

The City of Hamilton Licence By-law 79-323 provides for the licensing and regulating of persons who are in the business of distributing handbills.

To my knowledge we have licensed all such businesses in the City. Further, we only get very infrequent complaints about the method in which they distribute.

The real source of the problem appears to be a variety of businesses who distribute their own advertising. These people are exempt from licensing, but it is their employees who cause most of the problem. As a partial solution, I would think that personal contact with any offending retailer would help alleviate the problem.



SJD/hm

MEMORANDUM • CITY OF HAMILTON

7.

TO : S. J. Dembe, Manager
Licence Division

YOUR FILE:

FROM : John Thompson, Secretary
Legislation Committee

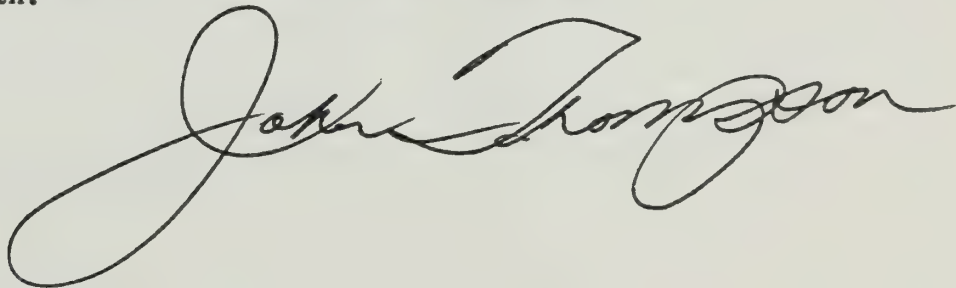
OUR FILE :

SUBJECT : STREET VENDORS ON CORNER LOTS

DATE : 1988 June 30

I received a telephone call from Alderman Tom Murray yesterday requesting that I make the necessary arrangements to have the matter of Street Vendors selling flowers and related garden supplies such as top soil, placed on the agenda of the next Legislation Committee meeting scheduled for 1988 July 18.

Alderman Murray will be addressing the Committee on this matter and has requested that you submit a report explaining the provisions of the City of Hamilton Licence By-law for the licencing and regulating of persons who sell flowers and, in particular, related garden supplies on corner lots. He made specific reference to an operation on Upper James Street which you may be familiar with.



JT:mjw

c.c. Alderman T. Murray

FOR ACTION

8.

REPORT TO: Mr. J. Thompson, Secretary
Legislation Committee

FROM: Mrs. S. Glover, Secretary
Farmers' Market Sub-Committee

DATE:
COMM FILE:
DEPT FILE:

SUBJECT:

Amendment to By-Law #81-180 Respecting
Sale of Bulk Pet Food.

RECOMMENDATION

That consideration be given to the attached amendment to By-law 81-180 which makes provision for the sale of bulk pet food at the Hamilton Farmers' Market.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

None

BACKGROUND

A survey was carried out and the policy of allowing the sale of bulk pet foods was found to be consistent with other local markets.

The Corporation of the City of Hamilton

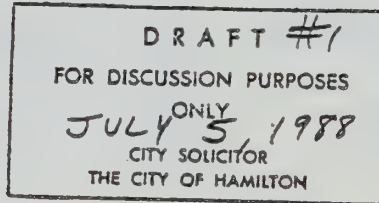
BY-LAW NO. 88-

To Amend:

By-law No. 81-180

Respecting:

SALE OF PET FOOD



WHEREAS By-law No. 81-180, passed on the 23rd day of June, 1981, in accordance with the City of Hamilton Act, 1964, S.4 and paragraph 1 of section 364 of the Municipal Act, R.S.O. 1970, [now paragraph 65 of section 210 of the Municipal Act, 1980, Chapter 302], as amended, established the Hamilton Farmers' Market in its new location in Lloyd D. Jackson Square and provided for the regulation of same;

AND WHEREAS subsections 11 and 12 of said By-law No. 81-180, as amended, regulates what may be sold at the Hamilton Farmers' Market;

AND WHEREAS it is intended to further amend By-law No. 81-180 so as to permit and regulate the sale of pet food.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Section 11 of By-law No. 81-180 is amended by inserting the letter (a) after the number 11.

(2) Section 11 of By-law No. 81-180 is further amended by adding thereto the following subsection:

(b) Notwithstanding subsection (a), a stallholder may sell, offer for sale or expose for sale foods for pet consumption, provided that the pet food is,

1. displayed, marketed and sold in dry, loose, bulk form only;
2. clearly and conspicuously marked as pet food;
3. displayed, marketed and sold as a product incidental to the sale of goods for human consumption.

2. In all other respects, By-law No. 81-180 is hereby confirmed, unchanged.

PASSED this day of , A.D. 1988.

City Clerk

Mayor

9.

FOR ACTION

FROM Cheryl A. Lowe, Commissioner
Human Resources Centre

DATE 1988 July 18

TO Legislative Committee

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

Adopt-A-School Project - Partnership with Westmount Secondary School

RECOMMENDATION

- 1) That approval be given for use of the City Coat of Arms in the Adopt-A-School partnership logo.
- 2) That approval be given to fly the "Partner in Education" flag at City Hall for the two year duration of the partnership with Westmount Secondary School.
- 3) That approval be given to purchase a Partners in Education flag and to print program invitations for the official kick-off ceremonies to be held on September 27, 1988 at a cost of \$200.00 and that these expenditures be charged to Receptions City Hall Account No. 0373-1002.

BACKGROUND

In November, 1987, the Region of Hamilton-Wentworth and the City of Hamilton agreed to enter into a partnership with Westmount Secondary School as part of the Industry Education Council's Innovative Partners in Education, Adopt-A-School Project. The purpose of the program is to promote greater awareness and involvement between area high schools and the community.

The partnership coordinating committee are planning official partnership kick-off ceremonies in September, 1988, to coincide with the annual City Hall Open House where both City and Regional departments have an opportunity to share information about their services with the general public. As Westmount will also have a display at the Open House, all three partners in education will have the opportunity to get acquainted with each others' range of services.

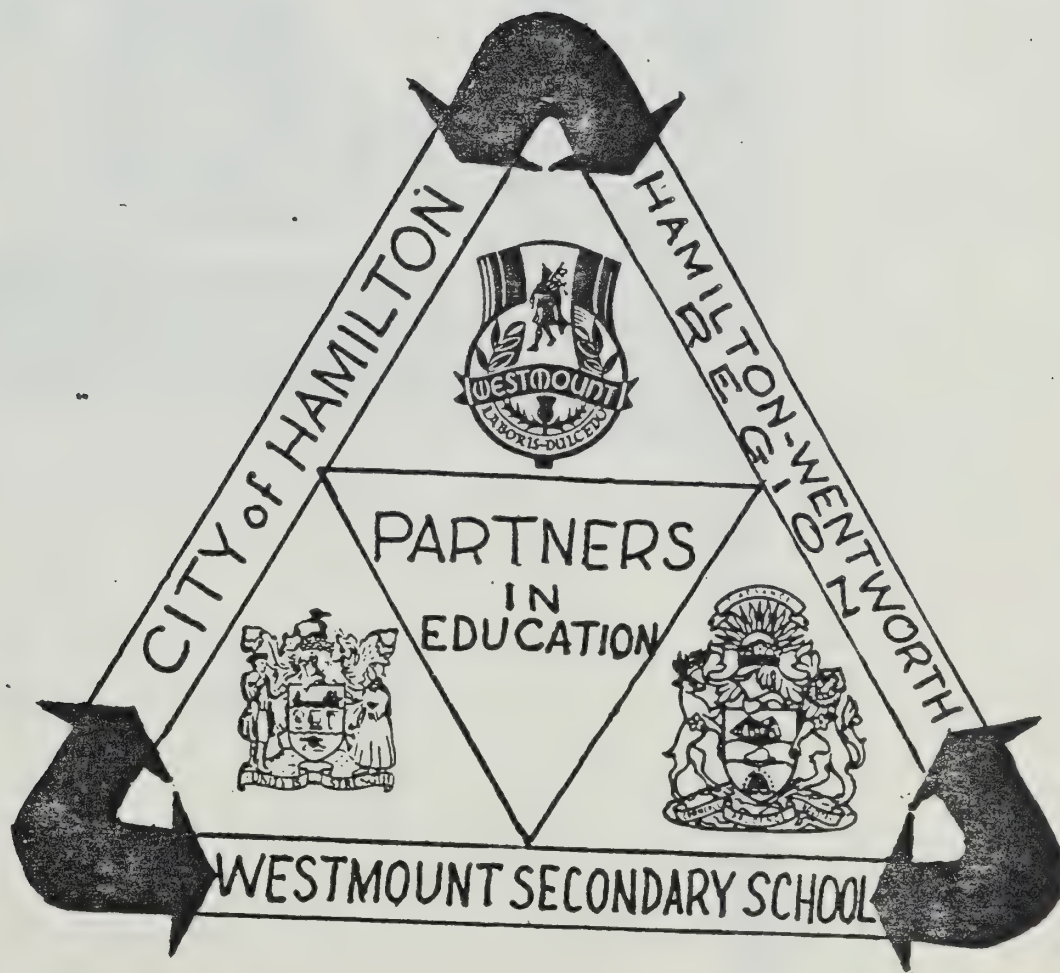
To commemorate the official kick off of the City, Region and Westmount partnership, the students of Westmount Secondary School have designed a logo symbolizing our partnership. The design incorporates the coat of arms of all three members of the partnership (a copy of the logo is attached).

This logo will be used on the cover of the program for the kick-off ceremonies as well as in a banner the students are making to display their exhibit at the Open House. As our partnership progresses, the logo will also be used to advertise various partnership activities within our organization.

Part of the ceremonies will involve the exchange of "Partner in Education" flags (copy attached) to be flown at City Hall and Regional offices for the duration of the two year partnership.

The official kick-off ceremonies will involve the purchase of two items for a total anticipated cost of \$400.00. The first is the purchase of "Partner in Education" flags to be exchanged during the ceremonies. The second item is the cost of printing approximately 100 program invitations for guests from the Board of Education, Westmount Secondary School, the City and Region. Our request is that the City contribute one-half of this cost and approve expenditure of \$200.00 for these purposes.

Cheryl Lowe



Partner In Education



FOR ACTION

10.

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

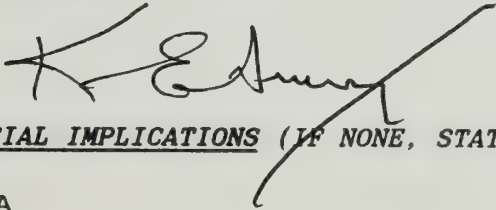
DATE: 1988 July 11
COMM FILE:
DEPT FILE:

SUBJECT:

Hamilton Yacht Club - Special Occasion Permit

RECOMMENDATION

That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a Special Occasion Permit to the Hamilton Yacht Club on the occasion of the Lake Yacht Racing Association racing event to be held at the Hamilton Yacht Club from July 29 to August 6, 1988.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The Lake Yacht Racing Association event is heralded as the premiere racing event of the season.

FOR ACTION

11(a)

REPORT TO: Mr. J. Thompson
Secretary, Legislation Committee

FROM: Mrs. S. Glover
Secretary, Status of Women Sub-Committee

DATE: July 12, 1988

COMM FILE:

DEPT FILE:

SUBJECT: Use of City Hall Meeting Rooms for a Workshop on "Grass Roots Involvement in a Municipal Election."

RECOMMENDATION

That permission be granted for Status of Women Sub-Committee to use Meeting Rooms 264, 219, 233 and the Council Chambers from 8 a.m. to 5 p.m. on Saturday September 24, 1988 for a workshop on "Grass Roots Involvement in a Municipal Election."

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

That funds to cover the cost of one caretaker at \$175.00 are available and have been budgetted for in account #0372-1040.

The purpose of this workshop is to provide the general public with information and a better understanding of the municipal election process.

BACKGROUND

FOR ACTION

11(6)

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

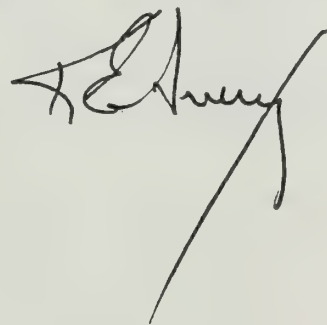
DATE: 1988 July 11
COMM FILE:
DEPT FILE:

SUBJECT:

Square and Round Dance Convention

RECOMMENDATION

That permission be granted to the 6th Canadian National Square & Round Dance Convention Inc. to square dance in the forecourt of City Hall from 12:00 noon to 1:00 p.m. on Thursday and Friday, 1988 August 4 and 5, on the occasion of the Square and Round Dance Convention to be held in the City of Hamilton.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

FOR ACTION

11(c)

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

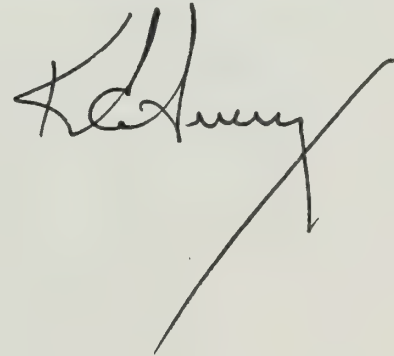
DATE: 1988 July 11
COMM FILE:
DEPT FILE:

SUBJECT:

Shinerama 1988

RECOMMENDATION

That permission be granted to the Canadian Cystic Fibrosis Foundation to use Committee Meeting Room 233 to hold a press conference at 11:00 o'clock a.m. on Thursday, 1988 September 15 to announce Shinerama 1988, 25th Anniversary.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

This year McMaster University will again be organizing Shinerama to raise funds for Cystic Fibrosis research. They expect approximately 50-60 people to attend the press conference.

FOR ACTION

11(a)

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

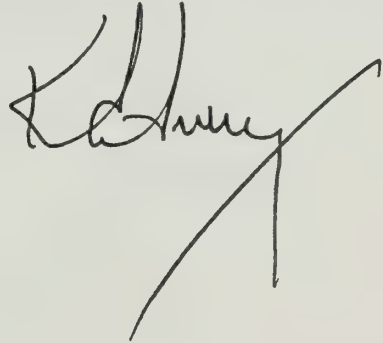
DATE: 1988 July 11
COMM FILE:
DEPT FILE:

SUBJECT:

Local Architectural Conservation Advisory Committee (LACAC)

RECOMMENDATION

That permission be granted to LACAC to exhibit a display board in the City Hall foyer showing the Heritage buildings adjacent to Hamilton's Waterfront.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

This exhibit features a map of Hamilton's Bayfront with coloured pictures of important buildings superimposed.

FOR ACTION

11(e)

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

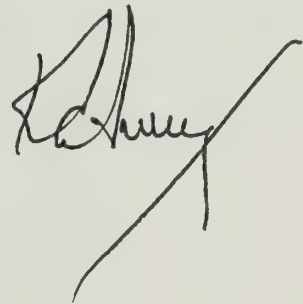
DATE: 1988 July 11
COMM FILE:
DEPT FILE:

SUBJECT:

Ukrainian Flag and Icon Display

RECOMMENDATION

That approval be given to fly the Ukrainian flag at City Hall as well as place an Icon display in City Hall from August 12 to 14 on the occasion of the World-wide Ukrainian Orthodox Millennium Celebrations to be held in the City of Hamilton 1988 August 13 and 14.

A handwritten signature in dark ink, appearing to be 'L. Chung', with a long diagonal stroke extending from the bottom right.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

N/A

FOR ACTION

11(f)

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

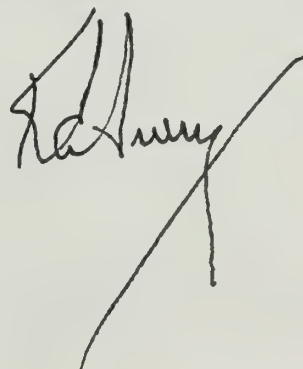
DATE: 1988 July 11
COMM FILE:
DEPT FILE:

SUBJECT:

Mum Show Committee

RECOMMENDATION

That permission be granted to the Mum Show Committee of the City of Hamilton to set up a table and telephone in the City Hall foyer from 1988 October 17 to 21 to receive calls during "Mum Count Week".



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The Mum Show Committee is planning a "Mum Count Week" October 17 to 21. They will be urging people throughout the City to call in with a count of Mum blooms in their gardens. With the 60,000 blooms at the Mum Show, November 5 to 20 and those in City Parks, they anticipate a count of well over one million giving the City the well-earned title of "Mum Capital of Canada".

FOR ACTION

11(g)

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. K. E. Avery
Deputy City Clerk

DATE: 1988 July 12
COMM FILE:
DEPT FILE:

SUBJECT: THE TAOIST TAI CHI SOCIETY OF CANADA

RECOMMENDATION:

That The Hamilton Tai Chi Association be authorized to use the City Hall Forecourt on Sunday, 1988 August 28 from 10:00 a.m. to 11:00 a.m. for a demonstration of Taoist Tai Chi.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

BACKGROUND

The Taoist Tai Chi Society of Canada, a registered charitable organization, will be holding National Taoist Tai Chi Awareness Day on Sunday, 1988 August 28 to promote Taoist Tai Chi in conjunction with a fundraising drive for the United Way. Tai Chi is a centuries old Chinese exercise.

FOR ACTION

11(LA)

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. K. E. Avery
Deputy City Clerk

DATE: 1988 July 13
COMM FILE:
DEPT FILE:

SUBJECT: CANDLELIGHT VIGIL

RECOMMENDATION:

That permission be granted to the Palestinian Association of Hamilton and the Hamilton Canadians Concerned for the Middle East to use the City Hall Forecourt on Wednesday, 1988 August 3 from 9:00 a.m. to 10:00 a.m. for a candlelight vigil to pay tribute to the 275 people who have lost their lives in the seven month old Palestinian uprising.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

BACKGROUND

The applicants expect at least 75 people will participate in this ceremony which will not involve movement by the crowd.

FOR ACTION

12.

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

DATE: 1988 July 11
COMM FILE:
DEPT FILE:

SUBJECT:

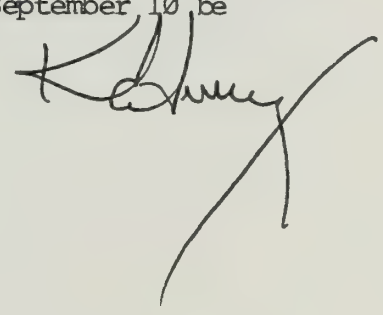
Labour Day Parade

RECOMMENDATION

- 1) That approval be given to the request of the Hamilton and District Labour Council for the City to erect a reviewing stand on the west side of Locke Street, midway on the grounds of Victoria Park, for the annual Labour Day Parade on Monday, 1988 September 5;
- 2) That funding for staff time be charged to account 0321-0760;
- 3) That the request of the Hamilton and District Labour Council to fly the C.L.C. flag at City Hall from 1988 September 5 to September 10 be approved.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

approximately \$250. for staff time

A handwritten signature in black ink, appearing to be 'K. E. Avery', is written over the bottom right portion of the document, partially overlapping the 'FINANCIAL IMPLICATIONS' section.



Hamilton-Wentworth Regional Police

155 King William Street, P.O. Box 1060, Station A, Hamilton, Ontario, Canada, L8N 4C1 Telephone: (416) 522-4925

Chief of Police Colin T. Millar

July 8th, 1988

Mr. John Thompson, A.M.C.T.,
Secretary,
Legislation Committee,
City Hall,
71 Main Street West,
HAMILTON, Ontario,
L8N 3T4

RE: STREET PROSTITUTION

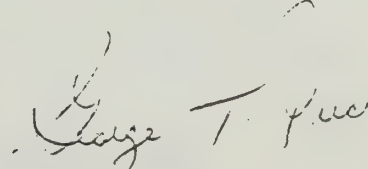
Dear Mr. Thompson:-

In reply to your letter of July 6th, 1988, I have reviewed the Metro Toronto report and I support the proposed amendments to the Criminal Code (Canada).

In the Region of Hamilton-Wentworth, we are experiencing similar problems with street prostitution which includes the sexual exploitation of juveniles which is escalating at an alarming rate. The commitment of police resources to combat the problem is considerable and extremely costly.

I respectfully recommend that the City of Hamilton support the City of Toronto proposal to amend Section 195.1 of the Criminal code (Canada).

Yours truly,


George T. Frid,
Acting Chief of Police.

GTF:rc

c.c. S/Insp. R. Slack



cc. Mr. John Thompson, Secretary - Legislation Committee from Mayor Bob Morrow,
May 10th, 1988

APR 28 1988



The City of Toronto
Arthur C. Eggleton
Mayor

April 25, 1988

His Worship Mayor Robert Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor ^{Bob}Morrow:

In response to our discussions on street solicitation at the Big City Mayors' Caucus meeting in Regina on April 21, 1988, I am forwarding a copy of the submission prepared by our Metro Police Department which was the basis for discussions at the meeting which I attended with the Hon. Ray Hnatyshyn, Minister of Justice, in Ottawa earlier this month.

I would appreciate your support for at least recommendations 1 and 2. I realize that recommendation 3 is more controversial - not everyone in Toronto supports it either, because of the wider implications of "reasonable and probable grounds".

Sincerely,

A large, stylized handwritten signature, likely of Arthur C. Eggleton, written in dark ink.

TULES. comm.

STREET PROSTITUTION
METRO TORONTO

The introduction of Bill C49, Section 195 C.C. in December, 1985, gave the Police legislation to control street prostitution.

The new law took a real positive step, as it recognized that males and females were equally responsible for this nuisance crime, and both could be charged if found committing.

During the first few months at the introduction of the law, the Force cautioned prostitutes and male customers before commencing enforcement in March, 1986.

Charges 1986: Males - 553
 Females - 980

Street prostitution was still very active in the four established prostitution areas of Metropolitan Toronto:

Church & Wellesley St. area
Queen St. West area
Gerrard & Pembroke St. area
Lakeshore Blvd. & Humber area

All of these areas have large residential communities and street prostitution has brought complaints and problems. Citizens in these areas complained of:

- increased noise
- heavy flow of vehicular traffic on residential streets
- litter
- undesirable persons cruising the area
- negative role of prostitutes loitering
- harassment of citizens
- increased crime, drugs etc.

Many citizens residing in these areas live in fear, and feel unsafe within their community.

Citizens in the affected areas of Metropolitan Toronto have formed very vocal community groups to voice their concerns.

Public meetings were held and, as a result of these public concerns, the Metropolitan Toronto Police Force has, for the past two years, carried out an intensive effort to control prostitution. This has involved task forces and implementation of special strategies to exert pressure on this activity. During 1987, the Force hired an additional 90 Constables to increase uniform patrol in areas affected by street prostitution.

As a result of this effort, enforcement during 1987 increased to
C.C. Sec. 195.1 charges: Male - 2,378
 Female - 1,620

Initially there appeared to be some success with the enforcement. The penalties imposed are minor and very inconsistent. It has been determined that 35% of females and 10% of males charged are repeat offenders.

Enforcement over the past two years has had only a minimum effect on solving the problem of street prostitution. It has been reduced in several areas, but continues to flourish in other areas causing an adverse effect on residents. The same complaints voiced in 1986 by citizens are still not resolved.

If the large commitment made by the Force was reduced, there is no doubt that street prostitution would escalate to what conditions were prior to December, 1985.

Section 195.1 C.C. addresses the problem of street solicitation, but amendments are required to make it an effective piece of legislation to control this serious community problem.

The Metropolitan Toronto Police Force suggests the following three changes be made to Section 195.1 of the Criminal Code:

1. This offence be changed from a Summary offence, to a hybrid offence, but within the absolute jurisdiction of a provincial court judge.
2. There be a minimum sentence for offenders with a mandatory period of incarceration imposed upon a third conviction.
3. An addition to Section 195.1 of the Criminal Code allowing for the power to charge offenders where the officer believes on "Reasonable and Probable Grounds" that the offence is being committed.

Recommendation #1

This would allow the police to fingerprint and photograph those persons charged with this offence. It is our experience that people involved in this type of offence change their names upon arrest more than any other type of offender. The proper process of Bench Warrants and Fail to Appear offences is bogging down because of the lack of identification. Further, the problem of runaway children who change their names to avoid apprehension is common.

Recommendation #2

The need for a minimum sentence is quite obvious. The high percentage of repeat offenders indicates that present sentencing is having little effect on the problem.

Recommendation #3

This legislation in it's present form is only enforceable when the police use undercover decoys to charge suspects. This not only places great strain on the use of plainclothes police officers, but it does not allow for effective use of uniformed officers. Ideally this type of street problem should be controlled by uniformed foot patrol officers. Their presence in the first instance should deter the offender. If, however, she/he persists with this conduct, then the officer should have the power of arrest based on the officer's knowledge of the suspect (that she/he is a known prostitute) coupled with observations of the accused stopping numerous cars and/or pedestrians, thereby constituting reasonable and probable grounds that she/he was unlawfully soliciting.

Although the Force is maintaining it's high level of enforcement, the problem continues. Citizen groups continue to express concerns about this criminal activity, and they continue to request action which will produce more positive results.

Estimated Costs relating to Prostitution Enforcement

Officers assigned full time

Morality Bureau	- 1 Staff Sergeant, 3 Sergeants, 20 Police Constables
52 Division	- 4 Police Constables
14 Division	- 4 Police Constables

Salary & Fringe Benefits-	\$1,555,000.00
Overtime	- 258,000.00
Rental Vehicles	- 13,000.00
Pagers	- 7,680.00
Gas	- <u>2,000.00</u>
Total	<u>\$1,835,680.00</u>

Additional \$640,000.00 in 1987 for extra foot patrol.

Additional ninety (90) officers hired for foot patrol for 1988,
total cost 4.5 million dollars.

Estimated cost total for 1988 - 6.3 million dollars.



Hamilton-Wentworth Regional Police

155 King William Street, P.O. Box 1060, Station A, Hamilton, Ontario, Canada, L8N 4C1 Telephone: (416) 522-4925

Chief of Police Colin T. Millar

June 17th, 1988

1316)
RECEIVED

JUN 20 1988

CITY CLERKS

Mr. John Thompson,
Secretary,
Legislation Committee,
City Hall,
71 Main Street West,
HAMILTON, Ontario,
L8N 3T4

RE: REPLICAS OF ACTUAL WEAPONS

Dear Mr. Thompson:-

In reply to your letter of May 9th, 1988, I would advise the Canadian Association of Chiefs of Police has for some time recognized the serious problems that exist in relation to the possession and use of handgun replicas. It is the position of the C.A.C.P. that a viable solution to the problem would be the banning of any further importation of these replicas. To date our presentations to government officials has not met with success but we will continue our efforts.

I have endorsed the position of the C.A.C.P. and further, I intend to request the Board of Commissioners of Police support a resolution to encourage legislation to ban importation of these replicas. If the Board supports this position, I will request they forward a copy of it to you.

Yours truly,

Colin T. Millar,
Chief of Police.

CTM:rc





The Corporation
of the City
of Cambridge

Administration Department
P.O. Box 669
Cambridge, Ontario N1R 5W8
Telephone: (519) 623-1340

RECEIVED

APR 14 1988

April 12, 1988

Files:

- AC-10-2
 - G-40-7
 - G-40-A
 - General Committee
- 5 April 1988

CITY CLERKS

The Ministry of Municipal Affairs
777 Bay Street, 17th Floor
Toronto, Ontario
M5G 2E5

Attention: The Honourable John Eakins

Dear Sir:

Re: Resolution of Cambridge City Council
pertaining to the sale of Replicas of Weapons

Cambridge City Council, initially considered this issue at their General Committee meeting of 5 April 1988; and the following Resolution was made at the Council meeting of 11 April 1988.

#179 Moved by Alderman Nagge Seconded by Alderman Kent

THAT we petition the Province of Ontario to enact enabling legislation to allow municipalities to regulate and/or prohibit the sale of toy guns which are replicas of real weapons;

AND THAT this Resolution be forwarded to the area Members of Provincial Parliament, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, all Municipalities with populations over 50,000, and the Federal Member of Parliament.

CARRIED

The Ministry of Mun. Affairs
12 April 1988

-2-

Thank you for your attention to the request contained in this Resolution. If you require further information, please contact me at (519) 623-1340, Extension 232.

Yours truly,



Karin Ann Brent
Council/Committee Co-ordinator

- cc. ● Mr. Mike Farnan, MPP
- Assoc. of Munc. of Ontario
 - Fed. of Canadian Mun.
 - Ontario Municipalities with populations over 50,000
 - MPPs for Kitchener, Kitchener-Wilmot, Waterloo North, Twp. of North Dumfries and Wentworth North Ridings
 - Mr. Chris Speyer, MP
Cambridge Riding

Bill 145

Private Member's Bill

1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

Bill 145

An Act to prohibit the Sale of Gun Replicas

Mr. Farnan

1st Reading May 30th, 1988
2nd Reading
3rd Reading
Royal Assent

Printed under authority of the Legislative Assembly by the
Queen's Printer for Ontario

EXPLANATORY NOTE

The purpose of the Bill is to prohibit the sale of replicas of guns that might reasonably be mistaken for real guns in the commission of a crime.

Bill 145

1988

An Act to prohibit the Sale of Gun Replicas

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

"gun replica" means a toy gun or other object that is not a fire-arm as defined in the *Criminal Code* (Canada) but that closely resembles or might reasonably be mistaken for such a fire-arm;

R.S.C. 1970,
C-34

"Minister" means the Minister of Consumer and Commercial Relations;

"toy gun" means a gun designed for amusement or diversion rather than practical use.

2.—(1) No person shall sell a gun replica or offer a gun replica for sale.

Prohibition

(2) No person shall sell or offer for sale a toy gun that is not a gun replica unless the Minister has issued a certificate of approval in respect of it.

Idem

3.—(1) A person wishing to sell a toy gun or offer a toy gun for sale may apply to the Minister for a certificate of approval.

Application
for certificate

(2) The application shall be in the form provided by the Minister and shall include the fee set by the Minister and such other information concerning the design of the toy gun, including a model of it, as the Minister may require.

Form of
application

(3) If the Minister believes on reasonable grounds that the toy gun is not a gun replica, the Minister shall issue a certificate in respect of it.

Issue of
certificate

Notice of
refusal

(4) If the Minister believes on reasonable grounds that the toy gun is a gun replica, the Minister shall notify the applicant of his or her refusal and the reasons therefor.

Effect of
certificate

(5) A certificate of approval issued in respect of a toy gun is effective in respect of all toy guns produced by its manufacturer and having the same design.

Offence

4.—(1) Every person is guilty of an offence if the person,

- (a) contravenes subsection 2 (1) or (2);
- (b) provides the Minister with false information or purposely misleads the Minister in an application; or
- (c) falsely claims that a certificate of approval has been issued in respect of a toy gun.

Where not
guilty

(2) A person is not guilty of an offence for contravening subsection 2 (2) if when the person sold a toy gun or offered a toy gun for sale the person reasonably believed that the Minister had issued a certificate of approval.

Penalty

5.—(1) Every person who is guilty of an offence under this Act is liable on conviction to a fine of not less than \$100 and not more than \$200 for a first offence and \$500 for each subsequent offence.

Idem

(2) If the person is a corporation, the minimum fine is \$500 and the maximum fines are \$1,000 for a first offence and \$5,000 for a second offence and not as provided in subsection (1).

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Gun Replica Sale Prohibition Act, 1988*.



RECEIVED
JUL 6 1988

Department of the City Clerk
City Hall, Toronto, Ontario, Canada M5H 2N2
CITY CLERKS

Roy V. Henderson / City Clerk

Barbara Caplan / Deputy City Clerk

Reply to: D. Thomas, 392-7031

Please refer to: 88exec20-58b:4

June 24, 1988.

To: ALL ONTARIO MUNICIPALITIES

Re: Provincial Bill 119 - An Act to
Amend The Ontario Lottery Corporation Act

Toronto City Council, at its meeting on June 13, 1988, adopted the following recommendations in respect of Bill 119:

1. That City Council advise the Premier of Ontario of its opposition to the passing of Bill 119.
2. That City Council request the Provincial government to have this Bill sent back to the Committee prior to second reading, to allow the Mayor, members of Council, the Commissioner of Parks and Recreation and any other appropriate officials, to appear before the Committee to present a position paper, outlining the importance of physical fitness, sports, recreation, and cultural activities and facilities to Ontarians;
3. That the Mayor, members of Council, the Commissioner of Parks and Recreation, and other appropriate officials, appear before the Parliamentary Committee to express the City's concern with this amendment;
4. That these recommendations be circulated to all Ontario municipalities for endorsement;
5. That these recommendations be forwarded to the Parks and Recreation Federation of Ontario for its information.

In accordance with Recommendation 4, your Council's endorsement would be appreciated.

Yours truly,

Roy V. Henderson
City Clerk.

sd
DET
Encl.

CITY OF TORONTO

DEPARTMENT OF THE

CITY CLERK

CLAUSE EMBODIED IN REPORT NO. 20 OF THE
EXECUTIVE COMMITTEE WHICH WAS AMENDED AND
ADOPTED BY CITY COUNCIL AT ITS MEETING
HELD ON JUNE 13, 1988

.....

58

PROVINCIAL BILL 119 - AN ACT TO AMEND
THE ONTARIO LOTTERY CORPORATION ACT

The Executive Committee recommends receipt of the report (June 1, 1988) from Councillor Gardner:

Origin: Councillor Kay Gardner (c91exec88154:4)

Comments: On April 25, 1988, Bill 119 received first reading in the Ontario legislature.

This Bill would allow the provincial government to spend the unallocated provincial lottery profits which remain at the end of the fiscal year on the operation of hospitals.

The act, in its present form, specifies that profits from the Ontario Lottery Corporation are allocated for cultural and recreational activities and facilities.

If this Bill is amended, the health care sector will receive a very sizeable windfall. In each of the last several fiscal years, the Ontario Lottery Corporation has retained a considerable sum of unallocated money. This amount, according to the discussion paper that has been written by the Ontario Arts Council on this subject, now totals more than 350 million dollars. While I appreciate that the health care crisis is of paramount importance, I do not find it appropriate that this sector be funded from the profits of the Ontario Lottery Corporation.

I also feel that this is a rather shortsighted plan in that operational expenses for hospitals really require a permanent funding solution, and should not rely on a 'one shot' deal.

Members of Council may recall that the provincial government proposed a similar piece of legislation in 1986, which was unsuccessful. At that time, the provincial government proposed that lottery revenue no longer be designated for specific programs, but rather be used for 'priorities', which were listed as cancer treatment, community hospitals and university research in addition to other priorities such as community recreational and cultural activities.

Council members may also recall that City Council went on the record as being opposed to this Bill because of the threat that this posed to the recreational and cultural activities that we enjoy so much in our City.

I believe that we must once again register our objection to this tampering with the Ontario Lottery Corporation mandate and reaffirm the City of Toronto's position that is the role of this organization to fund cultural and recreational programs and facilities, and not main line government departments.

Recommendation: That Council advise the Premier of Ontario that it is opposed to Bill 119, the proposed amendment to the Ontario Lottery Corporation Act.

(COUNCIL ACTION - JUNE 13, 1988)

During consideration of this Clause, Council also had before it a report (June 13, 1988) from the Commissioner of Parks and Recreation, and a communication (June 9, 1988) from Rita Davies, Executive Director, Toronto Arts Council. (Copies attached - 60, 60(a))

Council amended this Clause by striking out the recommendation of the Executive Committee and inserting in lieu thereof the following:

"It is recommended that Recommendations 2, 3 and 4, of the report (June 13, 1988) from the Commissioner of Parks and Recreation be amended to read as follows:

- '2. That City Council request the Provincial government to have this Bill sent back to the Committee prior to second reading, to allow the Mayor, members of Council, the Commissioner of Parks and Recreation and any other appropriate officials, to appear before the Committee to present a position paper, outlining the importance of physical fitness, sports, recreation, and cultural activities and facilities to Ontarians;
- '3. That the Mayor, members of Council, the Commissioner of Parks and Recreation, and other appropriate officials, appear before the Parliamentary Committee to express the City's concern with this amendment;
- '4. That these recommendations be circulated to all Ontario municipalities for endorsement.'

and that the report (June 13, 1988) from the Commissioner of Parks and Recreation, as so amended, be adopted."

TORONTO



JUN 9 2 13 PM '88

STANDARD OFFICE
STATION

27 Madison Avenue
Toronto, Ontario
M5R 2S2

(416) 392-6800

PRESIDENT:
J.P.S. Mackenzie

PAST PRESIDENT:
William Kilbourn

DIRECTORS:
Miriam Adams
Douglas Barrett
Ayanna Black
M.H. Bindhardt
Paul Bolt
June Callwood, O.C.
Niv Fichman
Harry Freedman, O.C.
Jim Garrard
Barbara Hall
Montague Larkin
Ian Murray
Diane Pugen
Norman Richmond

EXECUTIVE DIRECTOR
Rita Davies

POLICY DIRECTOR:
Tom Hendry

June 9, 1988

(Re Exec Rpt 20 - Clause 58)

To: Neighbourhoods Committee

From: Rita Davies, Executive Director
Toronto Arts Council

Subject: Bill 119 - A Provincial Act to Amend the Lottery Corporation Act

Background:

City Council, at its meeting on January 26, 1987, gave consideration to Clause 19 contained in Report No. 3 of the Neighbourhoods Committee, entitled "Toronto Arts Council - Provincial Repeal of Section 9 of the Ontario Lottery Corporation Act" in which the Toronto Arts Council informed Neighbourhoods Committee of the status of Bill 38, an act to repeal Section 9 of the Ontario Lottery Corporation Act, as of the date of the report, January 5, 1987. The report indicated that a consolidated effort on the part of culture, recreation, sports and fitness, through the formation of an ad hoc group called the "Alliance to Protect Culture, Recreation, Sports and Fitness in Ontario," resulted in the Provincial Government withdrawing Bill 38 from the Order Paper. However, the report also pointed out that there were still outstanding items concerning the Lottery Corporation Act. For example the future of the provincial lotteries and of the accrued monies, totalling \$292-million, which the government announced has been "lent and spent," was still a matter of concern. The Toronto Arts Council indicated that it would keep Neighbourhoods Committee posted on any new developments regarding the provincial lotteries and the Ontario Lottery Corporation as it affects the Toronto arts community.

Update and Comments:

On April 25, 1988 the provincial government gave first reading to new legislation. Bill 119 proposes to amend Section 9 of the Ontario Lottery Corporation Act, 1975 which stipulates that all net proceeds from the Ontario Lottery Corporation must be used for culture, recreation, sports or fitness. "Net proceeds" are currently defined as the profits of Wintario, Lottario and the Instant Games (1986/87 proceeds were \$169-million). Not included are the profits from 6/49, The Provincial and Super-Loto (1986/87 proceeds were \$296-million), which are considered outside the mandate of the act.

...2

Bill 119 proposes:

- 1) to expand the dedicated purposes in Section 9 to include the Trillium Foundation (an arm's length lottery distribution body for charitable social service organizations), with all unappropriated funds at the end of each year going automatically to underwrite the operation of hospitals; and
- 2) to transfer the unspent backlog of Ontario Lottery profits (which is believed to total approximately \$292-million), from their current cultural and recreational dedication to the operation of hospitals as soon as the Bill is enacted.

The Toronto Arts Council, along with the "Alliance" and Toronto's arts and culture community, finds the Bill completely unacceptable for the following reasons:

- 1) Section 1 of the Bill does not guarantee any level of allocation to culture, recreation, sports and fitness, nor does it define an equitable process by which the lottery funds will be distributed, except to say that the Lieutenant Governor in Council (i.e. Cabinet) will make the final decision with regards to the distribution of lottery funds;
- 2) Lotteries have been generating more revenue than the government has been allocating. The Toronto Arts Council believes that many outstanding needs exist within Toronto's cultural community which have not been justly served and is concerned that the provincial government is artificially creating "unspent funds" by continuing to ignore these needs in order to divert funds to cover hospital operations; and
- 3) The Bill blatantly ignores the government's legal liability and moral responsibility to use the surplus funds, accumulated over the past twelve years, for their originally legislated purpose to support culture, recreation, sports and fitness as outlined in Section 9 of the Ontario Lottery Corporation Act, 1975.

We have been informed that second reading of the Bill is imminent and is expected to occur in late June just before Legislature adjourns for the summer. It is essential that we try to prevent second reading of the Bill in order to allow the TAC and Toronto's cultural and recreational communities ample time to study the Bill so that we can make an informed and constructive contribution to the Legislature's consideration of Bill 119.

Recommendations:

1. That, given the importance of lottery-based grants to the City's arts and culture community, specifically capital funds made available

through the Ministry of Culture and Communication, this Committee advise the Provincial Government that it is opposed to the proposed amendment to the Ontario Corporation Act and further, that this Committee request that 2nd reading of Bill 119 be postponed until after Legislature's summer recess.

A handwritten signature in cursive script, reading "Rita Davies". The signature is written in dark ink and is positioned above the typed name and title.

Rita Davies
Executive Director

CITY OF TORONTO
DEPARTMENT OF PARKS AND RECREATION

CITY CLERK'S OFFICE

NO ANS
REFER FILE

June 13, 1986 2 02 PM (80)

(Handwritten signature)

TO: City Council

SUBJECT: Executive Committee Report #20, Clause 58, Bill 119 -
An Act to Amend the Ontario Lottery Corporation Act

ORIGIN: Commissioner of Parks and Recreation (c36cncl88007:180)

COMMENTS:

BACKGROUND:

In 1986, the Ontario Government introduced Bill 38, a Bill which was intended to de-designate lottery funds which are currently used for physical fitness, sports, recreation and cultural activities. The intent of this Bill was to make lottery funds available for educational and health purposes.

At that time, City Council advised the Premier (Executive Committee Report #27, Clause 14, Neighbourhoods Committee, adopted August 11, 1986) that it opposed the de-designation of lottery funds and due to a number of similar resolutions received from across the Province and representations made by thousands of sport, recreational and cultural groups to the Government, this Bill was withdrawn.

In announcing the current Budget in the Legislature, Treasurer Nixon explained that he would be introducing Bill 119, the intent of which is outlined below:

"SECTION I. The Bill re-enacts section 9 to provide that the net profits of the Ontario Lottery Corporation that are paid into the Consolidated Revenue Fund are available to be appropriated by the Legislature for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities, therefor. This part of this section repeats the provision now in section 9 for the availability of the net profits of the Corporation. In addition, the amendment provides that the Corporation's net profits are to be available for the activities of the Ontario Trillium Foundation. Any part of the net profits of the Corporation in a fiscal year that is not appropriated for the foregoing purposes is to be treated as part of the appropriation made by the Legislature in the fiscal year for the operation of hospitals.

SECTION II. Unexpended money paid into the Consolidated Revenue Fund under section 9 of the Ontario Lottery Corporation Act in previous years will now be treated as part of the money appropriated by the Legislature for the operation of hospitals."

- 2 -

At the time that Treasurer Nixon made his announcement, he commented that he would undoubtedly hear from 1500 sports groups from across the Province, but that he was not concerned about this. Subsequently, Bill 119, as Councillor Gardner has advised, has received first reading in the Legislature and it is the intent of the Government to pass this amendment.

DISCUSSION:

I am extremely concerned with the prospect of this amendment being passed as lottery funds are the essential lifeline for thousands of sports, recreational and cultural groups across the Province. Were it not for the provision of lottery funds, recreational and cultural facilities would not exist in many smaller municipalities. Additionally, these funds have had a significant impact, not only on Department run facilities and programmes, but on other organizations within the City of Toronto.

While it is true that theoretically funds would continue to be available for recreational and cultural purposes, given the relative size of and increasing demands on the health portfolio, it is likely that the proposed action of the Provincial Government will impact negatively on the funding of recreational and cultural activities.

CONCLUSION:

Given the extent of funding that various agencies within the City receives and given the importance of this funding to their programme capabilities, I have no doubt that if Provincial funding ceases to become available that these groups and organizations will approach the municipality for such funding. As you know, the recreational grants budget already has many more applicants than dollars available. I doubt that the municipality would be in a position to make up the shortfall should Provincial money cease to exist.

Given the majority Government in Ontario and given the Treasurer's intent on having this amendment passed, I believe it is critical that City Council take a position in this regard. It is most important that the Government be made aware of the great significance that recreational and cultural activities play in the life of Ontarians and it is most important that the Government realize the long-term health gains one garners as a result of a healthy, active lifestyle. Money spent now on leisure, be it active physical fitness, sports, or recreational activities, or more passive recreation and cultural activities, will have long term benefits in decreasing the drain on the health system in years to come.

Given the demographics of Ontario and the large number of "baby boomers" who are now entering middle age, an age where

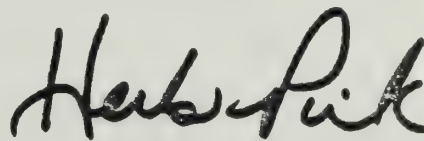
- 3 -

traditionally one's dependence on the health care system starts to increase, it is critical for the Government to have the foresight to plan for this large population.

Given the foregoing and the Government's intent to pass this amendment to the Ontario Lottery Corporation Act, I urge City Council to adopt the following recommendations.

Recommendations:

1. That City Council advise the Premier of Ontario of its opposition to the passing of Bill 119.
2. That City Council request the Government to have this Bill sent back to Committee, prior to second reading to allow me to appear before Committee to present a position paper, outlining the importance of physical fitness, sports, recreation, cultural activities and facilities to Ontarians.
3. That the Mayor and/or Chairperson of the Neighbourhoods Committee appear before the Parliamentary Committee to express the City's concern with this amendment.
4. That these recommendations be circulated to the Association of Municipalities of Ontario requesting endorsement by the individual Councils.
5. That these recommendations be forwarded to the Parks and Recreation Federation of Ontario for its information.



Commissioner
Parks and Recreation

MF
PAO



THE CORPORATION OF THE TOWN OF OAKVILLE

RECEIVED

TELEPHONE 845-6601

P.O. BOX 310
L6J 5A6

June 29, 1988

JUL 5 1988

File: LL0.05

CITY CLERKS

City of Hamilton
71 Main Street West
HAMILTON, Ontario L8N 3T4

ATTENTION: E. A. SIMPSON, CLERK

Dear Sir/Madam:

We would advise that Oakville Town Council on June 20, 1988 passed the following two resolutions and I have been directed to seek the support of all municipalities in Ontario with populations in excess of 50,000:

"WHEREAS the Provincial Government has made non-profit low income housing and the provision thereof its number one priority; and

WHEREAS the Minister of Housing has indicated that unco-operative communities stand to jeopardize their government grants; and

WHEREAS the Provincial Government has in the past dictated future populations for communities within a set time frame through approval of their official plans,

THEREFORE let it be resolved that the Province of Ontario be requested to provide those funds through direct grants, subsidies and/or supplementary subsidy as required by those municipalities to provide the infrastructures needs i.e. transportation, roads, schools, water, sewer, recreation facilities etc. which are required to service an expanding population and further the Province of Ontario work in a co-operative manner to assist Ontario municipalities and reverse the current philosophical trend which appears to be taking shape in municipal relations."

13(a)ii

- 2 -

"WHEREAS the Province of Ontario has an expressed interest in the preservation of Ontario's Heritage; and

WHEREAS a lot of dedicated volunteers are attempting to assist the Province by acting as the vehicle to facilitate recommendation of restoration work eligible for Designated Property Grants; and

WHEREAS eligibility of those grants to the citizens owning heritage properties is now being directly related to compulsory attendance of those volunteers at Provincial seminars,

THEREFORE be it resolved that the Province of Ontario be requested to reverse the emerging current philosophical trend which appears to be taking shape in the relationship developed with the volunteer sector, Municipal Council and the Provincial Government as it relates to preservation of Ontario's Heritage."

If your municipality endorses these resolutions, I would appreciate it if you could notify the Association of Municipalities of Ontario and this office.

Yours very truly,

D. W. Brown.

D. W. Brown
Clerk
TOWN OF OAKVILLE

DWB/sw

14.

F O R A C T I O N

REPORT TO: Legislation Committee
FROM: John Thompson, Secretary
Legislation Committee

DATE: 1988 July 14
COMMITTEE FILE:
DEPARTMENT FILE:

SUBJECT:

Civic Award

RECOMMENDATION:

That a gold civic ring be awarded to Ms. Susan Stewart in recognition of receiving a gold medal in the World Surf Rescue Championships held in Australia in April 1988.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

\$155. funding available.

BACKGROUND



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1988 September 15

CA4 ON HBL AGS
CSIL2

NOTICE OF MEETING

URBAN MUNICIPAL

SEP 21 1988

Legislation Committee
Monday, 1988 September 19
9:30 o'clock a.m.
Room 233, City Hall

GOVERNMENT DOCUMENTS

NOTE: HOT LUNCH WILL BE SERVED IN ROOM 264 AT 12:30 NOON


John Thompson, Secretary
Legislation Committee

JT:mjw

A G E N D A

DELEGATIONS

- A. 9:30 o'clock a.m. Ms. Arlene MacDonald, Manager, Leisure Place
1911 Barton Street East -
Establishment of Flea Market
- B. 9:45 o'clock a.m. Ms. Anne Stewart, Chairperson
Hamilton Status of Women Sub-Committee -
Revised Guidelines
- C. 10:00 o'clock a.m. Mr. R. Morrison, Operations Manager
H.S.P.C.A. - Nuisance Wildlife Programme
- WITHDRAWN* Alderman D. Agostino -
Animal Control Legislation Regarding
Mandatory Neutering of Pets
- D. 10:30 o'clock a.m. Second Level Lodging House
Task Force -
Second Level Lodging House By-law

NOTE: Copies of Proposed By-law
Already Distributed to all
Members of City Council.
Additional Copies Available
on Request



1. Approval of the Minutes of the Legislation Committee Meeting held 1988 July 18
2. Finance Committee regarding Attendance Records for Special Meetings - Alderman P. Cowell
3. Code of Conduct for Municipal Councillors - Alderman T. Cooke

CITY CLERK

4. Notice of Motion of Alderman Agostino regarding Rate Increase for Cable Companies
5. Notice of Motion of Alderman Agro regarding Transfer of Executive Committee's Duties to Finance Committee
6. Policy to Govern and Regulate the Installation of Commemorative and Memorial Plaques in City Hall
7. Proposed Incorporation of St. Joseph's Hospital, Hamilton
- 7(a) Purchase of Photocopier - Aldermanic Offices-

USE OF CITY HALL FACILITIES

8. (a) Sexual Assault Centre - "Take Back the Night" Walk
- (b) Emergency Shelter Foundation of Hamilton Wentworth
- (c) The Alliance - Hamilton Lawyers' Club
- (d) Hamilton Hockey Council
- (e) Family Services of Hamilton-Wentworth Inc. and Catholic Family Services
- (f) CKOC/CKLH FM - Municipal Election Coverage
- (g) Institute of Chartered Accountants of Ontario

MAYOR R. MORROW

9. Military Regalia Wall at City Hall
10. Delegation from Fukuyama, Japan
11. Invitation to the Duet Club of Hamilton Regarding Use of Piano and Use of Council Chambers

DIRECTOR OF PROPERTY

12. Policy to Govern and Regulate the Installation of Commemorative Plaques, Memorials, Monuments, Time Capsules and Trees upon City Hall Grounds
13. Proposed City Hall Smoking Room

TREASURER

14. Legislative Support Services Costs

RESOLUTIONS

15. City of Windsor - Diversion of the Great Lakes Waters
16. City of Chatham - Disclosure of Ingredients in Food

CIVIC AWARDS

17. Hamilton Amateur Wrestling Club
18. Hamilton Transway Basketball Teams
19. Transport 2000 Ontario - Termination of Overnight Ottawa/Toronto Train Service
20. Amnesty International
21. Amendment to Health By-law No. 4798 respecting Noise

NEW BUSINESSADJOURNMENT

H.
9:30

Corporation of the City of Hamilton
Memorandum

TO: Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:
PHONE: 526-2729

SUBJECT: DALLAS/LEISURE PLACE - FLEA MARKET

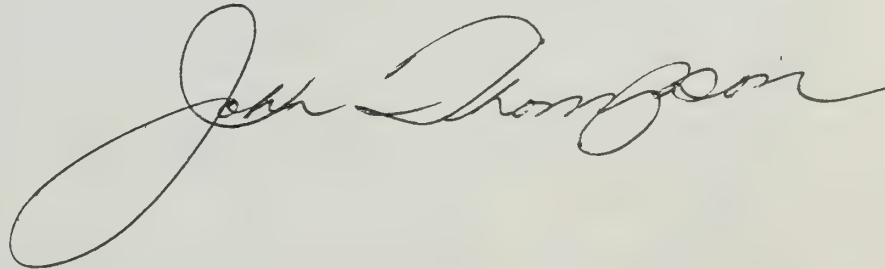
DATE: 1988 September 14

Attached is a copy of a letter from Ms. Arlene MacDonald, Manager, Dallas/Leisure Place, 1911 Barton Street East requesting permission to establish a flea market at the subject property.

For the information of the members of the Legislation Committee, City of Hamilton Licencing By-law 87-234 Respecting Flea Markets stipulates that "no flea market shall be located within a radial separation distance of 500 m (1 640 feet) from a residentially zoned district".

As you can see from the attached neighbourhood plan, the applicant's property is situated on a major arterial road surrounded by commercial and industrial uses but is located only approximately 330 feet from the nearest residential district.

Approval of this request would require an exemption from the provisions of Section 9 of Flea Market By-law 87-234 regarding separation distance for the purpose of establishing a flea market and the passage of an appropriate by-law.



JT:mjw

Attachment

HAMILTON'S
COUNTRY MUSIC
SHOWPLACE



1911 BARTON ST. EAST
HAMILTON, ONT. L8H 2Y7
(416) 549-22

Monday, July 4, 1988

Mr. John Thompson
Secretary, Legislation Committee
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Dear Mr. Thompson:

I am submitting to you a proposal to open "Leisure Place", 1911 Barton St. E., as a flea market.

The site meets all requirements (i.e. zoning, fire, health, traffic) save one. The present by-law governing the operation of flea markets (By-Law 87-234) states that all markets must be located 500m from the nearest residential district.

According to Mr. Steve Denbigh this by-law was enacted to ensure that residential areas would not be disturbed by noise or traffic the flea market may create. The Leisure Place site is not 500m from the nearest residential district. However, as you can see by the maps enclosed, the nearest residential district is on a different thoroughfare, completely separate from the commercial district in which Leisure Place is located. In no way will the opening of a flea market at Leisure Place increase traffic through the residential district.

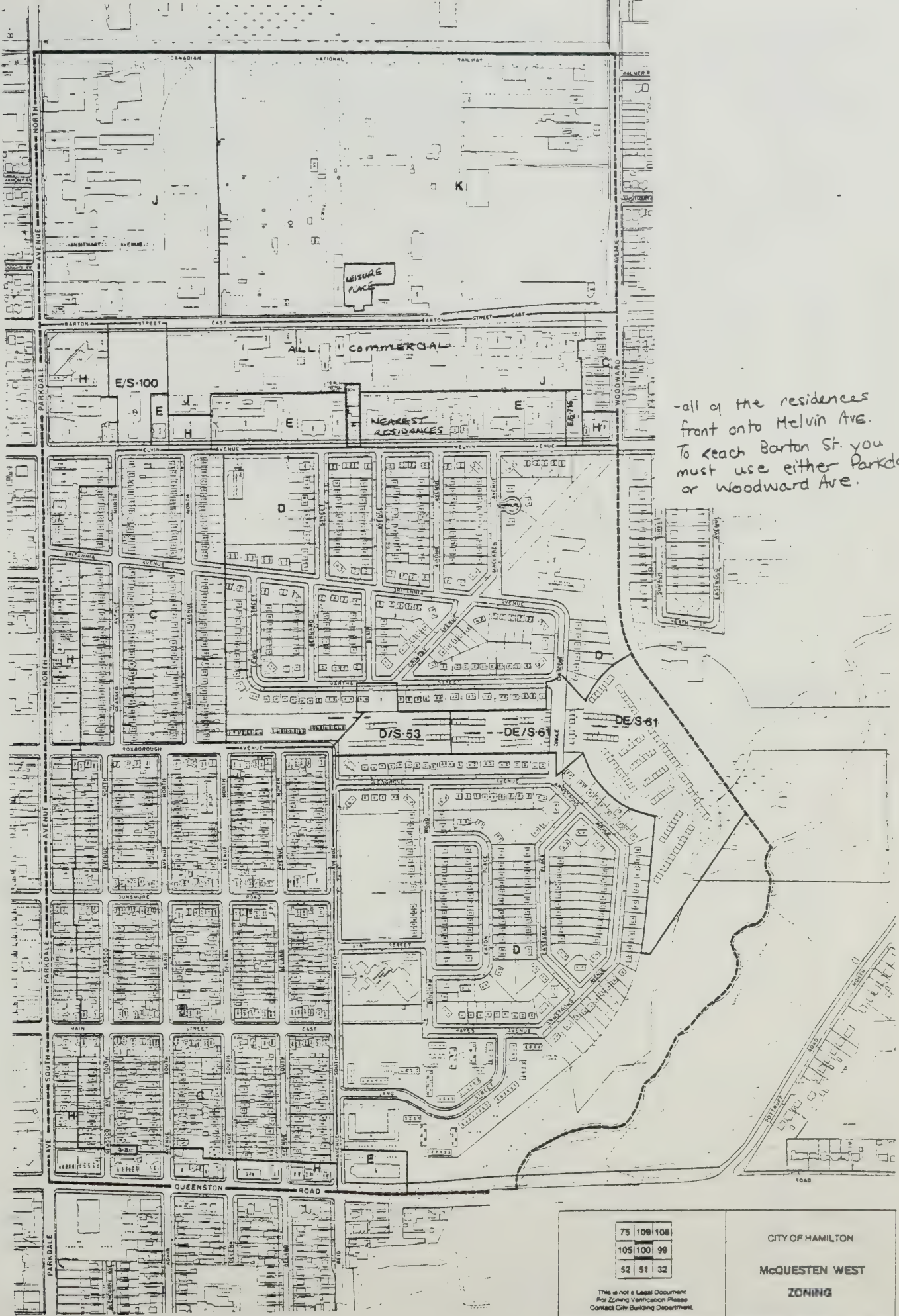
In addition, all parking required by flea market patrons can be provided on site. The parking lot holds approx. 600 cars; flea market customers will not be parking on the streets.

In view of these facts I am asking yourself and the legislation committee to review our application and the existing by-law at the next committee meeting, Monday, July 18. It would appear that the 500m clause is prohibiting the very type of flea market site City Council wishes to see.

Yours truly,

A handwritten signature in cursive script, reading 'Arlene Macdonald'.

Arlene Macdonald
Mgr. Dallas/Leisure Place



-all of the residences front onto Melvin Ave.
To reach Barton St. you must use either Parkdale or Woodward Ave.

<table border="1"> <tr> <td>75</td> <td>109</td> <td>108</td> </tr> <tr> <td>105</td> <td>100</td> <td>99</td> </tr> <tr> <td>52</td> <td>51</td> <td>32</td> </tr> </table>	75	109	108	105	100	99	52	51	32	<p>CITY OF HAMILTON</p> <p>McQUESTEN WEST</p> <p>ZONING</p>
75	109	108								
105	100	99								
52	51	32								
<p><small>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</small></p>										
<p>Neighbourhood Boundary</p> <p>Zoning Boundary</p>										
<p>Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth</p>										
<p>PLAN UNIT NO 6507</p>	<p>SCALE 1" = 40' 0"</p> <p>June 1985</p> <p>100</p>									

Barton St

2

PARKING

#110

Dallas

Leisure
Place

= 12,000 ft²

opside Restaurant

Doublelinks

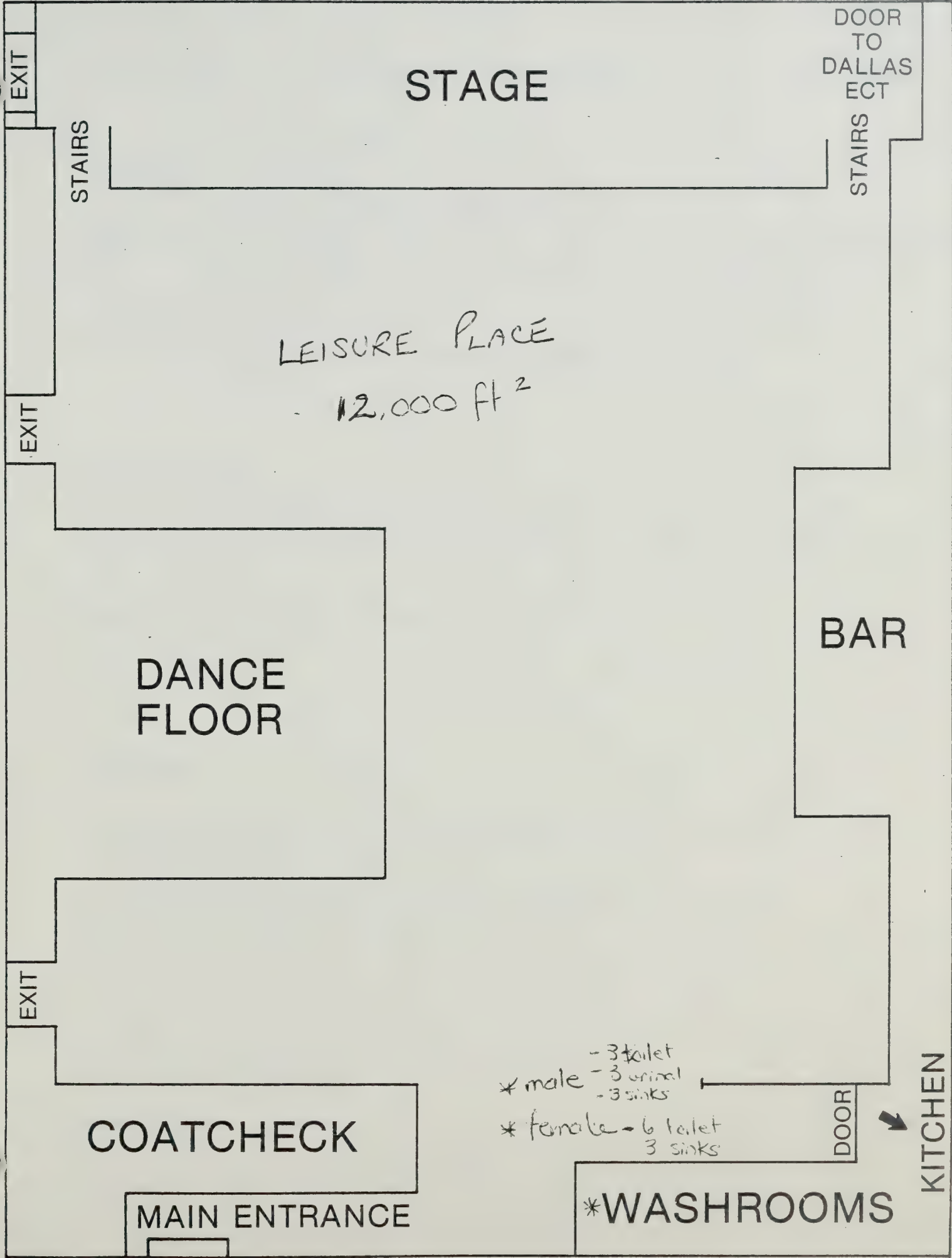
This area
= Underground
Parking

#60

#20

PARKING

#400



STAGE

DOOR
TO
DALLAS
ECT

STAIRS

STAIRS

LEISURE PLACE
- 12,000 ft²

DANCE
FLOOR

BAR

COATCHECK

MAIN ENTRANCE

* male - 3 toilet
- 3 urinal
- 3 sinks
* female - 6 toilet
3 sinks

DOOR

*WASHROOMS

KITCHEN

FOR ACTION

B.
9:45

REPORT TO: Mr. J. Thompson
Secretary, Legislation Committee

FROM: Mrs. S. Glover, Secretary
Hamilton Status of Women Sub-Committee

SUBJECT: Revised Guidelines
Hamilton Status of Women Sub-Committee

DATE: 1988 September 13
COMM FILE:
DEPT FILE:

RECOMMENDATION:

The Hamilton Status of Women Sub-Committee respectfully requests that the revised Guidelines attached hereto be approved by the Legislation Committee.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At its meeting held 1988 May 2, the Legislation Committee requested an explanation of the proposed changes.

Accordingly, Ms. Anne Stewart, Chairperson of the Hamilton Status of Women Sub-Committee will attend to provide explanation and answer any questions on the revised Guidelines.

For ease of reference, the changes have been noted in the margin.

Stella Glover

SG/jc

GUIDELINES FOR THE HAMILTON STATUS OF WOMEN SUB-COMMITTEE

1. CHAIRPERSON

To be elected for a term of one year by the members of the Hamilton Status of Women Sub-Committee. The term will commence with the first meeting in March of each year.

Amended

ORDER OF BUSINESS

Quorum - will consist of 50% of the Sub-Committee members, plus one, in good standing.

Order of Business to be governed by Parliamentary Procedures as designed by Bourinot's Rules of Order.

The Chairperson is the only person who officially speaks for the Hamilton Status of Women Sub-Committee in the community, unless another member be deputized to speak in the Chairperson's place.

The Chairperson will routinely refrain from voting on a question, unless a tie has taken place.

The Chairperson will be an ex-officio member of all Committees.

2. VICE-CHAIRPERSON

One of the two Aldermen appointed to the Sub-Committee will be elected for a one year term to correspond to that of the Chairperson.

Amended

3. TENURE ON THE HAMILTON STATUS OF WOMEN SUB-COMMITTEE

Tenure on the Hamilton Status of Women Sub-Committee for a member in "good standing"*will be for a three year period to correspond to that of the elected municipal Council. The maximum length of an appointment will be two appointments for a total of six years, unless serving as an Executive Committee member.

*Member in "good standing":

- (a) Attendance. If three meetings in sequence are missed without exceptional reason, the Hamilton Status of Women Sub-Committee appointment must be questioned. If over 50% of meetings are missed (Committee and Standing Committee), the member would be expected to resign at the end of that year ending April 1st.

Guidelines for the Hamilton Status of Women Sub-Committee

.... 2

- (b) Responsibility. The member must adhere to the Hamilton Status of Women Sub-Committee guidelines.
- (c) Considered acceptable for appointment by the Legislation Committee and Council. nded

POSITION DESCRIPTIONS(i) CHAIRPERSON

To represent the Sub-Committee in the community and must be the only spokesperson for the Sub-Committee, unless another member is deputized. nded

Prepares the Agenda while working with the Sub-Committee Secretary and Executive Committee and is responsible for the day-to-day business for the Sub-Committee.

The Chairperson will call regular meetings of the Executive Committee.

General Duties of a Chairperson

1. Plan Agenda. ded
2. Work closely with Executive Committee.
3. Open and close meetings.
4. Give rulings on points of order.
5. Guide discussion and ensure that motions are moved and seconded. ded

(ii) VICE-CHAIRPERSON

Will be part of the Executive Committee and will be ready to deputize for the Chairperson and report to the Legislation Committee whenever necessary. Amended

(iii) PAST CHAIRPERSON

Will be part of the Executive Committee and will be Nominating Chairperson for the Executive Committee elections. The Nominating Committee will consist of the Nominating Chairperson and two volunteer members of the Sub-Committee. Amended

Guidelines for the Hamilton Status of Women Sub-Committee

.... 3

(iv) EXECUTIVE COMMITTEE

Will consist of the Chairperson, the Past Chairperson, the Vice-Chairperson, the Standing Committee Chairpersons and an Executive Member at Large - to be filled by a member in their first year.

Amended

This Executive will strive to streamline the Agenda material and provide the necessary research data so that the Sub-Committee as a whole has the necessary information base needed for an educated judgement. All decisions must be brought to the Hamilton Status of Women Sub-Committee, however when expediency is a factor, the Executive Committee is empowered to act on behalf of the full Sub-Committee.

Amended(v) STANDING COMMITTEES

The Standing Committee Chairpersons will be elected by the Sub-Committee and will be consulted on a regular basis.

The Standing Committee Chairpersons will also hold office for one year, hold regular meetings, and will report to the Executive Committee and to the Hamilton Status of Women Sub-Committee.

Amended5. STANDING COMMITTEES FOR THE HAMILTON STATUS OF WOMEN SUB-COMMITTEE(a) Women in the Workplace

- Affirmative Action and Employment Equity
- Sexual Harassment
- Education
- Labour Legislation
- Child Care
- etc.

Amended(b) Women in Society

- Networking
- Health Care
- Political Awareness Seminars
- Liaison with other Committees and Groups
- Pornography, Domestic Violence and Family Law
- etc.



C
10:00

THE HAMILTON
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

June 6, 1988

To:- Legislation Committee
Corporation of the City of Hamilton

Attention:- John Thompson, Secretary

From:- R. Morrison
Operations Manager
Hamilton Society for the Prevention of Cruelty to
Animals

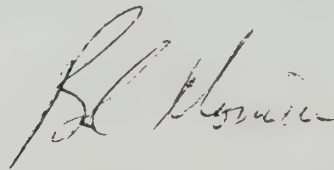
Subject:- Nuisance Wildlife Programme

RECOMMENDATIONS

- That; The City of Hamilton employ the services of Licenced Trappers, under the direction of the Ontario Trappers Association, for the purpose of the local destruction of skunk denning sites, during the months of November through March of each year.
- That; The Hamilton SPCA be responsible for monitoring the conduct of the program, and authorize invoices for services prior to their submission to the City of Hamilton for payment.
- That; The methods utilized for den destruction meet with the approval of the Hamilton SPCA, as being humane.
- That; Such a programme be instituted commencing November, 1988,
and be continued on an annual basis thereafter.

- That; The programme be carried out on a City wide basis, with concentration in those areas adjacent to residential areas reporting a high incidence of nuisance and destruction.
- That; An Amount of \$35,000 be included by the City of Hamilton in 1989 for the purposes of carrying out this programme in the year 1989.
- That; An amount of \$14,000 be allocated over and above the operating budget established for the year 1988 in order to commence, and carry out the programme for the months of November and December of 1988.
- That; The City of Hamilton consider programmes of habitat clean up on an annual basis, in order that wildlife not be encouraged to den in those areas adjacent to residential housing - brush removal, garbage and litter removal.

Respectfully Submitted,



R. Morrison
Operations Manager
Hamilton SPCA

BACKGROUND

Pursuant to the meeting of the Legislation Committee of April 18, 1988, the above recommendations are made.

In the preparation of this submission, the Ministry of Natural Resources was consulted, with a view to obtaining cost subsidization. I am advised that programmes do not presently exist which will underwrite the manpower costs of wildlife control. Application is being made for an available programme, which, if approved would assist with the costs of those supplies need to carry out the program.

Under the above recommendations, the Hamilton SPCA would continue to provide traps, for live, humane capture, of nuisance wildlife to residents of the City of Hamilton without charge. The Hamilton SPCA currently has approximately 80 currently available for this purpose.

The above proposed control programme has given emphasis to the destruction of denning sites, as this has proven to be the most cost effective and efficient method of reducing the population of the wildlife.

After consideration by the SPCA Board of Directors, it was the conclusion that the SPCA should be involved to the extent of monitoring the program to ensure that the methods employed are humane, and carried out in a manner consistent with the City's objectives. The Board felt that while we must be concerned for the health and safety of citizens, and lend our utmost support and cooperation to efforts to control nuisance wildlife, that to directly contract for destruction of potentially healthy wildlife, would be contrary to the objectives of the organization. The proposed programme differs from that previously conducted only in the sense that payment to trappers is administered directly by the City, and contractual arrangements are with the City rather than with the SPCA.

MEMORANDUM • CITY OF HAMILTON

D.
10:30

TO : Mr. John Thompson, Secretary
Legislation Committee

YOUR FILE:

FROM : S. J. Dembe
Manager, Licence Division

OUR FILE :

SUBJECT : New Second Level Lodging House By-law DATE : 1988 August 26

On behalf of the Second Level Lodging House Task Force, I am requesting that you place the new Second Level Lodging House By-law on your Committee's agenda for its next meeting on September 19, 1988 for their consideration.

We do not anticipate too much time will be taken up with discussion of this matter due to the fact that on September 15, 1988 a public meeting, to which all members of Council have been invited, is being held and most of their questions, should they have any, can be answered.

However, as a necessary step towards processing an application for special legislation to authorize this by-law, we require approval of the Legislation Committee so that it can be forwarded to City Council for first and second readings only.

SHD/hm

Monday, 1988 July 18
9:30 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present:

- Alderman V. J. Agro, Chairman
- Alderman D. Christopherson, Vice-Chairman
- Mayor Robert M. Morrow
- Alderman M. Kiss
- Alderman P. Valeriano
- Alderman R. Wheeler
- Alderman P. Cowell
- Alderman J. Gallagher
- Alderman T. Murray

Also present:

- Alderman T. Cooke
- Alderman B. Hinkley
- Alderman G. Copps
- Alderman D. Agostino
- Alderman J. Smith
- Alderman H. Merling
- Mr. L. Sage, Chief Administrative Officer
- Mr. K. E. Avery, Deputy City Clerk
- Mr. P. Hooker, City Solicitor's Office
- Ms. L. Lawrence, City Solicitor's Office
- Mr. S. Dembe, Manager of Licencing
- Mr. F. Westaway, Noise Control Officer
- Mr. J. Ford, The Chief Inspector,
Health Department
- Mr. J. Thompson, Secretary

1. Review of Bill 106 - "An Act to Amend The Municipal Elections Act and The Municipal Act"

Mr. Kent Murray, Municipal Advisor, Ministry of Municipal Affairs and Mr. George Manios, Policy Advisor with the Local Government Organization Branch of the Ministry of Municipal Affairs appeared before the Committee to answer any questions members of City Council might have with respect to Bill 106.

The Committee was in receipt of an Explanatory/Impact Report on Bill 106 from Mr. K. Avery, Deputy City Clerk as well as a copy of Bill 106 for discussion purposes. The report contained a summary of the key sections of the Bill.

Mr. K. E. Avery, Deputy City Clerk proceeded to summarize and highlight Bill 106. The report recommended that all members of City Council contemplating seeking re-election should read Bill 106 thoroughly so that they are familiar with all of the legislative requirements especially as it relates to election contributions and expenses.

A draft copy of a proposed by-law to adopt Part 3 of Bill 106 was also available at the meeting in the event the Committee decided to recommend adoption of Part 3 to City Council.

Mr. Murray advised the Committee that a Candidates Guide will be provided by the Ministry of Municipal Affairs and will be available in a few days.

With respect to Part 3 (Campaign Contribution Rebate Program), it was noted in the report that a Council/School Board or Local Board has the option of adopting Part 3 so that contributors can obtain tax credits which are payable by the jurisdiction involved.

Review of Bill 106 -
An Act to Amend
The Municipal
Elections Act
and
The Municipal Act

Review of
Bill 106

Mr. Murray commented that an Ontario municipality with a population of 90 000 recently estimated that a tax credit or rebate program under Part 3 would cost the municipality approximately \$300 000.

Many members of Council felt that tax credits or rebates should be covered under the Income Tax Act.

Alderman Christopherson commented that the amendment to the Municipal Elections Act to allow any elector to vote by proxy presents a scenario for dangerous problems. He stated that it will be difficult to scrutinize proxy voting. He also agreed with the concept of the campaign contribution rebate programme but felt that it would be unfair to the taxpayers to pay the tax credits or rebates out of the municipal tax base.

Alderman Hinkley commented that the financing of the tax rebate program should lie with the jurisdiction involved. He commented, however, that the new legislation does not provide a remedy for expenses incurred by candidates prior to 1988 June 08. He felt that there should be a transitional provision included in the new legislation to cover such a situation. Mr. Manios agreed to review this matter. Alderman Hinkley also commented that the new provision for proxy voting provides an opportunity to abuse the system.

Alderman Murray commented that other municipal programs will suffer if Part 3 of Bill 106 is implemented by the City. He suggested that the Provincial Government should be petitioned to change the legislation so that the tax credits or rebates are payable by another jurisdiction such as the Provincial Government or Federal Government.

Following a considerable question and answer period, the Committee agreed to take no action on the proposed by-law to adopt Part 3 of Bill 106.

As recommended by Alderman Cowell, the Committee agreed to place the matter of Part 3 of Bill 106 on the agenda of the next meeting of the Legislation Committee for further discussion.

The Committee thanked Mr. Murray and Mr. Manios for attending the meeting and answering the questions of the members of Council.

Hamilton
Disarmament Coalition
Nuclear Weapons
Legal Action

2. Municipal Action Committee of the Hamilton Disarmament Coalition -
Nuclear Weapons Legal Action

Dr. Hanna Newcombe of the Peace Research Institute appeared before the Committee as spokesperson for the Municipal Action Committee of the Hamilton Disarmament Coalition. She recommended that City Council endorse the Nuclear Weapons Legal Action now being prepared by a coalition of Canadian groups. She stated that the legality or illegality of the first use of nuclear weapons will be decided by Canadian Courts, if the case is accepted by the Courts.

City Council is being requested to endorse the Nuclear Weapons Legal Action, not to become a co-plaintiff. The difference is as follows: An endorser unlike a co-plaintiff has no financial responsibility for court costs but, of course, also has no decision making power on how the case will be conducted. Co-plaintiffs meet in regular meetings to decide on future action. An endorser could, of course, withdraw its endorsement at any time if it disagrees with what is being done.

There are now 7 co-plaintiffs namely World Federalists of Canada, Lawyers for Social Responsibility, National Union of Provincial Government Employees, Veterans Against Nuclear Arms, Assembly of First Nations, Operation Dismantle and Voice of Women.

So far, the Nuclear Weapons Legal Action has been endorsed by more than - 180 organizations and 10 municipal governments.

Upon being questioned, Mr. Hooker stated that he did not know if the Courts would feel it is under their jurisdiction to review and make statements and decisions on government policy matters as well as matters relating to national defense.

Following discussion, it was moved by Alderman Gallagher, seconded by Alderman Murray and carried on a vote of 4 to 3 that no action be taken on the resolution for the Nuclear Weapons Legal Action.

3. Minutes

The minutes of the meeting of the Legislation Committee held 1988 June 20 were received and adopted as presented.

Adoption of
Minutes of the
Meeting held 1988
June 20

4. (a) By-law Respecting Smoking in the Workplace

The Committee was in receipt of a report of the City Solicitor dated 1988 July 12 recommending that an attached draft by-law respecting smoking in the workplace be introduced and approved by City Council in principle. It was noted in the report that it is necessary to obtain private Provincial enabling legislation before the proposed by-law may be given third and final reading and enacted.

By-law
Respecting
Smoking
in the
Workplace

It was moved by Alderman Gallagher, seconded by Alderman Wheeler that Section 7(2) of the proposed by-law be amended to read that every employer shall be encouraged to ensure that a designated smoking room is independently ventilated. At the moment, the proposed by-law provides that every employer shall make reasonable efforts to ensure that a designated smoking room is independently ventilated. Motion to amend Section 7(2) was lost on a vote of 3 to 4.

Following other minor amendments, largely of a "housekeeping" nature, the Committee approved that the final draft of the proposed by-law be submitted to City Council for first and second reading.

(b) Smoking Control Programme

The Committee was in receipt of a report of the City Clerk dated 1988 June 15 recommending that the Smoking Control Programme which is scheduled to expire 1988 August 01 be continued on a permanent basis. This recommendation was tabled at the meeting of the Legislation Committee held 1988 June 20 pending a review of the draft by-law respecting smoking in the workplace.

Smoking
Control
Programme

Following discussion, it was moved by Alderman Wheeler, seconded by Alderman Valeriano and carried that the Smoking Control Programme be continued for another year and then reviewed.

Although provision as not been made in the 1988 Current Budget Estimates to finance the cost of this extension, the Deputy City Clerk was requested to investigate the possibility of financing this cost from within the present budget of the City Clerk's Department through identifying savings that have occurred or other expenditures that have been or will be reduced or deleted.

Clarification of
Non Smoking
Policy

(c) Clarification of Non Smoking Policy

The Committee was in receipt of a report of the Secretary dated 1988 July 12 recommending that a final decision be made on the following resolution dealing with the City's Non Smoking Policy with respect to the private offices of the members of City Council which was referred back by City Council on 1988 May 10 for further consideration:

"That, in order to clarify the non smoking policy in civic departments adopted by City Council at its meeting held Tuesday, 1987 May 12, smoking will be continued to be permitted in the private and enclosed offices of the members of City Council in City Hall on the understanding that members of City Council shall comply to accommodate the preference of any person requesting a cessation of smoking while attending in their offices."

The Secretary noted in his report that at its meeting held 1988 June 20, the Legislation Committee considered an amendment to the above resolution to allow smoking in all private enclosed offices in City Hall. The motion to amend was lost on a tie vote. The resolution was subsequently not dealt with and remains unresolved and as unfinished business.

It was moved by Alderman Valeriano, seconded by Alderman Gallagher and carried that the resolution dealing with the non smoking policy be tabled.

The Committee also directed the Chief Administrative Officer to undertake to review all designated smoking areas in the City Hall for the continuation of smoking by employees.

By-law
to Repeal
By-law No. 85-243
Respecting
Election
Contributions and
Expenses

5. By-law to Repeal By-law No. 85-243 Respecting Election Contributions and Expenses

As recommended by the City Solicitor, the Committee agreed to recommend to City Council that a by-law be prepared to repeal By-law No. 85-243 Respecting Election Contributions and Expenses as a result of an enactment of the Municipal Elections Statute Law Amendment Act.

Voter
Notification Cards
Purchase Order for

6. Voter Notification Cards

As outlined in a report of the Manager of Purchasing dated 1988 July 08, the Committee agreed to submit the following recommendation to City Council for approval:

That a purchase order be issued to Moore Business Forms, Burlington in the amount of \$16 668.24 for the supply and delivery of Voter Notification forms in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

Note: Lowest of two (2) tenders received. Funds provided in Election, Office Supplies and Stationery Account No. 0322-0321.

7 Barking Dogs Disturbing Neighbours

The Committee was in receipt of a memorandum from Alderman John Gallagher dealing with the ongoing problem of inconsiderate dog owners allowing their dogs to create a disturbance for their neighbours as a result of their barking.

Mr. Jim Ford of the Health Department was in attendance and advised that the Courts have decreed that, for the purpose of giving evidence as a witness with respect to disturbing noises, not less than 3 neighbours constitutes a neighbourhood. At the present time, 3 people in a neighbourhood are required to testify as witnesses in court before charges can be laid under the appropriate section of the Health By-law.

Following consideration, the Committee agreed to recommend to City Council that the City Solicitor be authorized and directed to prepare a by-law to amend Section 707-3(b)ix of Health By-law No. 4798 by deleting the words "the neighbourhood" in the last line and substituting in lieu thereof the words "a neighbour".

8. Distribution of Handbills

Alderman Merling advised the Committee that he has received several complaints from residents that the distribution of handbills in residential neighbourhoods is creating a litter problem.

The Committee directed that the Manager of the Licencing Division review the present licence regulations for handbill distributors to see if there are any restrictions that could possibly be implemented to better control this increasing problem. In discussion, it was suggested for example that it might be possible to place restrictions on the applicant with respect to the number and hours of delivery. The Manager of the Licencing Division was directed to report back to the Committee when he has completed his review.

9. Transient Vendors

At the request of Alderman Murray, the Committee agreed to request that the Licencing Committee hold a public meeting early this Fall to give all interested persons an opportunity to present their views and concerns regarding the by-law to regulate and licence "Transient Vendors" and report back to the Legislation Committee.

With respect to transient vendors, Alderman Gallagher advised that shopping malls fall within the Designated Site Plan Control Area within the City of Hamilton thus requiring a minimum number of parking spaces. Site Plan Control infractions may be occurring if parking spaces are being rented to transient vendors inasmuch as the site plans require that a certain number of parking spaces be provided on a permanent basis.

10. Farmers' Market Sub-Committee - Sale of Bulk Pet Food

As recommended by the Farmers' Market Sub-Committee, the Committee agreed to recommend to City Council that the City Solicitor be authorized and directed to prepare a by-law to amend Market By-law No. 31-180 to provide for the sale of bulk pet food at the Hamilton Farmers' Market.

Barking Dogs
Disturbing
Neighbours

Distribution
of
Handbills

Transient Vendors

Farmer's Market
Sub-Committee -
Sale
of
Bulk Pet Food

Adopt-A-School
Project

11. Adopt-A-School Project

As outlined in a report of the Commissioner of Human Resources Centre dated 1988 July 18, the Committee agreed to submit the following recommendations to City Council for approval:

- (a) That approval be given for use of the City Coat of Arms in the Adopt-A-School partnership logo, a copy of which is attached hereto as APPENDIX "A".
- (b) That approval be given to fly the "Partner in Education" flag at City Hall for the two year duration of the partnership with Westmount Secondary School.
- (c) That approval be given to purchase a Partners in Education flag and to print program invitations for the official kick-off ceremonies to be held on 1988 September 27 at a cost of \$200. and that these expenditures be charged to Receptions City Hall Account No. 0373-1002.

Note: In November, 1987, the Region of Hamilton-Wentworth and the City of Hamilton agreed to enter into a partnership with Westmount Secondary School as part of the Industry Education Council's Innovative Partners in Education, Adopt-A-School Project. The purpose of the programme is to promote greater awareness and involvement between area high schools and the community.

Hamilton Yacht Club
Special Occasion
Permit

12. Hamilton Yacht Club - Special Occasion Permit

As outlined in a report of the Deputy City Clerk dated 1988 July 11, the Committee agreed to submit the following recommendation to City Council for approval:

That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a Special Occasion Permit to the Hamilton Yacht Club on the occasion of the Lake Yacht Racing Association racing event to be held at the Hamilton Yacht Club from 1988 July 29 to August 06.

Use of City Hall
Facilities

13. Use of City Hall Facilities

The Committee agreed to submit the following recommendations to City Council for approval:

- (a) That permission be granted for the Status of Women Sub-Committee to use meeting rooms 264, 219, 233 and the Council Chambers from 8: a.m. to 5 p.m. on Saturday, 1988 September 24 for a workshop on "Grass Roots Involvement in a Municipal Election".

Note: The purpose of the workshop is to promote a greater awareness and involvement in the municipal election process.

Funds required to cover the cost of the workshop are available from within the present budget of the Status of Women Sub-Committee.

Use of City Hall
Facilities

- (b) That permission be granted to the 6th Canadian National Square and Round Dance Convention Inc. to square dance in the forecourt of City Hall from 12:00 noon to 1:00 p.m. on Thursday and Friday, 1988 August 04 and August 05 on the occasion of the Square and Round Dance Convention to be held in the City of Hamilton.
- (c) That permission be granted to the Canadian Cystic Fibrosis Foundation to use Committee Meeting Room 233 to hold a press conference at 11:00 o'clock a.m. on Thursday, 1988 September 15 to announce Shinerama 1988, 25th Anniversary.
- (d) That permission be granted to LACAC to exhibit a display board in the City Hall foyer showing the Heritage buildings adjacent to Hamilton's Waterfront.
- (e) That approval be given to fly the Ukrainian flag at City Hall as well as place an Icon display in City Hall from 1988 August 12 to August 14 on the occasion of the world-wide Ukrainian Orthodox Millennium Celebrations to be held in the City of Hamilton 1988 August 13 and August 14.
- (f) That permission be granted to the Mum Show Committee of the City of Hamilton to set up a table and telephone in the City Hall foyer from 1988 October 17 to October 21 to receive calls during "Mum Count Week".

Note: The Mum Show Committee is planning a "Mum Count Week" October 17 to October 21. They will be urging people throughout the City to call in with a count of Mum blooms in their gardens. With the 60 000 blooms at the Mum Show, November 05 to November 20 and those in City Parks, they anticipate a count of well over one million giving the City the well-earned title of "Mum Capital of Canada".

- (g) That the Hamilton Tai Chi Association be authorized to use the City Hall forecourt on Sunday, 1988 August 28 from 10:00 a.m. to 11:00 a.m. for a demonstration of Taoist Tai Chi.

Note: The Taoist Tai Chi Society of Canada, a registered charitable organization, will be holding National Taoist Tai Chi Awareness Day on Sunday, 1988 August 28 to promote Taoist Tai Chi in conjunction with a fundraising drive for the United Way. Tai Chi is a centuries old Chinese exercise.

- (h) That permission be granted to the Palestinian Association of Hamilton and the Hamilton Canadians Concerned for the Middle East to use the City Hall forecourt on Wednesday, 1988 August 10 from 9:00 p.m. to 10:00 p.m. for a candlelight vigil to pay tribute to the 275 people who have lost their lives in the seven month old Palestinian uprising.

Hamilton and
District
Labour Council -
Annual Labour Day
Parade

14. Hamilton and District Labour Council

As requested by the Hamilton and District Labour Council, the Committee agreed to forward the following recommendations to City Council for approval:

- (a) That approval be given to the request of the Hamilton and District Labour Council for the City to erect a reviewing stand on the west side of Locke Street, midway on the grounds of Victoria Park, for the annual Labour Day Parade on Monday, 1988 September 05.
- (b) That funding for staff time be charged to Account No. 0321-0760.
- (c) That the request of the Hamilton and District Labour Council to fly the Canadian Labour Council flag at City Hall from 1988 September 05 to September 10, be approved.

Resolutions

15. Resolutions

Metropolitan Toronto
Police Department Report -
Street Prostitution

(a) Metropolitan Toronto Police Department Report - Street Prostitution

The Committee agreed to submit the following recommendation to City Council for approval:

That the City of Hamilton support the following recommendations of the Metropolitan Toronto Police Department to amend Section 195.1 of the Criminal Code (Canada) regarding Street Prostitution:

- (i) That this offence be changed from a Summary offence, to a hybrid offence, but within the absolute jurisdiction of a provincial court judge.

Note: This would allow the police to fingerprint and photograph those persons charged with this offence. It is our experience that people involved in this type of offence change their names upon arrest more than any other type of offender. The proper process of Bench Warrants and Fail to Appear offences is bogging down because of the lack of identification. Further, the problem of runaway children who change their names to avoid apprehension is common.

- (ii) That there be a minimum sentence for offenders with a mandatory period of incarceration imposed upon a third conviction.

Note: The need for a minimum sentence is quite obvious. The high percentage of repeat offenders indicates that present sentencing is having little effect on the problem.

- (iii) That an addition to Section 195.1 of the Criminal Code be made allowing for the power to charge offenders where the officer believes on "Reasonable and Probable Grounds" that the offence is being committed.

Note: This legislation in its present form is only enforceable when the police use undercover decoys to charge suspects. This not only places great strain on the use of plainclothes police officers, but it does not allow for effective use of uniformed officers. Ideally this type of street problem should be controlled by uniformed foot patrol officers. Their presence in the first instance should deter the offender. If, however, she/he persists with this conduct, then the officer should have the power of arrest based on the officer's knowledge of the suspect (that she/he is a known prostitute) coupled with observations of the accused stopping numerous cars and/or pedestrians, thereby constituting reasonable and probable grounds that she/he was unlawfully soliciting.

Although the Force is maintaining its high level of enforcement, the problem continues. Citizen groups continue to express concerns about this criminal activity and they continue to request action which will produce more positive results.

(b) City of Cambridge - Replicas of Actual Weapons

The Committee agreed to recommend to City Council that the resolution of the City of Cambridge petitioning the Provincial Government to enact enabling legislation to allow municipalities to regulate and/or prohibit the sale of toy guns which are replicas of real weapons, be endorsed.

(c) City of Toronto - Bill 119 - An Act to Amend the Ontario Lottery Corporation Act

The Committee agreed to recommend to City Council that the following resolution of the City of Toronto in opposition to the passing of Bill 119, be endorsed.

- (i) That City Council advise the Premier of Ontario of its opposition to the passing of Bill 119.
- (ii) That City Council request the Provincial Government to have this Bill sent back to the Committee prior to second reading, to allow the Mayor, members of Council, the Commissioner of Parks and Recreation and any other appropriate officials, to appear before the Committee to present a position paper, outlining the importance of physical fitness, sports, recreation and cultural activities and facilities to Ontarians;
- (iii) That the Mayor, members of Council, the Commissioner of Parks and Recreation and other appropriate officials appear before the Parliamentary Committee to express the City's concern with this amendment;
- (iv) That these recommendations be circulated to all Ontario municipalities for endorsement;
- (v) That these recommendations be forwarded to the Parks and Recreation Federation of Ontario for its information.

Resolutions -
City of Cambridge -
Replicas of
Actual Weapons

City of Toronto -
Bill 119
An Act to Amend the
Ontario Lottery
Corporation Act

Resolutions --
Town of Oakville

(d) Town of Oakville

The Committee agreed to submit the following recommendation to City Council.

That the following resolutions from the Town of Oakville, be received:

Non Profit Low
Income Housing

(i) Non Profit Low Income Housing

WHEREAS the Provincial Government has made non-profit low income housing and the provision thereof its number one priority; and

WHEREAS the Minister of Housing has indicated that unco-operative communities stand to jeopardize their government grants; and

WHEREAS the Provincial Government has in the past dictated future populations for communities within a set time frame through approval of their official plans,

THEREFORE let it be resolved that the Province of Ontario be requested to provide those funds through direct grants, subsidies and/or supplementary subsidy as required by those municipalities to provide the infrastructures needs ie. transportation, roads, schools, water, sewer, recreation facilities etc. which are required to serve an expanding population and further the Province of Ontario work in a co-operative manner to assist Ontario municipalities and reverse the current philosophical trend which appears to be taking shape in municipal relations.

Preservation of
Ontario's Heritage

(ii) Preservation of Ontario's Heritage

WHEREAS the Province of Ontario has an expressed interest in the preservation of Ontario's Heritage; and

WHEREAS a lot of dedicated volunteers are attempting to assist the Province by acting as the vehicle to facilitate recommendation of restoration work eligible for Designated Property Grants; and

WHEREAS eligibility of those grants to the citizens owning heritage properties is now being directly related to compulsory attendance of those volunteers at Provincial seminars,

THEREFORE be it resolved that the Province of Ontario be requested to reverse the emerging current philosophical trend which appears to be taking shape in the relationship developed with the volunteer section, Municipal Council and the Provincial Government as it relates to preservation of Ontario's Heritage.

16. The Committee approved that a gold civic ring be awarded to Ms. Susan Stewart in recognition of receiving a gold medal in the World Surf Rescue Championships held in Australia in April 1988.

Civic Gold Ring
Award

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1988 July 18

Typed by M. J. Walton

2.

F O R A C T I O N

REPORT TO: Legislation Committee

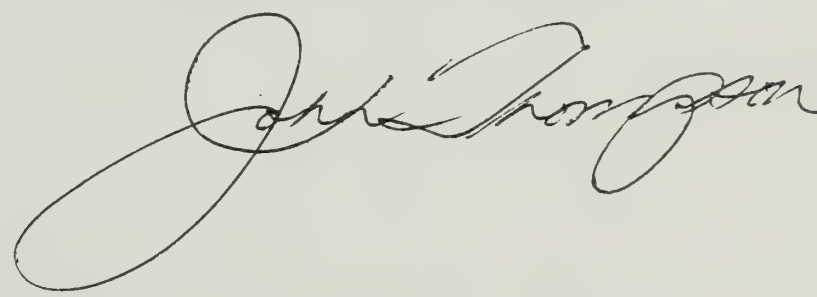
FROM: John Thompson, Secretary
Finance Committee

DATE: 1988 September 13
COMM FILE:
DEPT FILE:

SUBJECT: ATTENDANCE RECORDS FOR SPECIAL MEETINGS

RECOMMENDATION:

That the Legislation Committee be requested to review the entire matter of recording the attendance of Council members at special meetings.

A large, stylized handwritten signature in dark ink, appearing to read "John Thompson". The signature is written in a cursive style with large loops and flourishes.

BACKGROUND:

At its meeting held 1988 June 21, Alderman Paul Cowell submitted that the attendance records of members of City Council should not be affected if he or she is unable to attend special meetings due to prior commitments and subsequently requested that this matter be reviewed by the Legislation Committee.



3.

CITY COUNCIL
HAMILTON, CANADA

Alderman Terry Cooke

71 MAIN STREET WEST L8N 3T4 • (416) 526-2733 • RES. (416) 521-1087 — WARD 1

M E M O R A N D U M

TO: MEMBERS OF CITY & REGIONAL COUNCIL

FROM: ALDERMAN TERRY COOKE
WARD 1

DATE: AUGUST 31, 1988

RE: CODE OF CONDUCT FOR MUNICIPAL COUNCILLORS

I am enclosing for your perusal a copy of the report of the Special Committee on a Code of Conduct for the City of Toronto. This report was approved unanimously by Toronto City Council on July 22, 1988.

It is my intention to place this matter on the agenda of the next Legislation Committee meeting at the City and Legislation and Reception Committee meeting at the Region.

The enclosed report identifies a number of "gaps" in the existing legislation concerning conflict of interest and the regulation of paid lobbyists.

I will be requesting that the respective City and Regional Committee's develop their own Codes of Conduct for Councillors, based upon the spirit of the Toronto report. While it is obvious that some aspects of this report might not be relevant for Hamilton and Hamilton-Wentworth, (i.e. recommendation on campaign spending limits) it does seem to be a logical starting point for our deliberations.

TC:cb
Encl.



Department of the City Clerk

City Hall, Toronto, Ontario, Canada M5H 2N2

Roy V. Henderson / City Clerk

Barbara Caplan / Deputy City Clerk

August 24, 1988

TO: ALL INTERESTED PERSONS

At its meeting held on August 8 and 12, 1988, Council gave consideration to the attached report (July 22, 1988) from the Special Committee on a Code of Conduct.

Council adopted the aforementioned report* and concurred with recommendation No. 17 contained therein.

In addition, Council requested the City Solicitor to report on:

- (a) an appropriate period of time following a Member of Council leaving office, or an employee leaving his/her employment with the City of Toronto, during which they are prohibited from acting as a lobbyist as defined by the Code of Conduct;
- (b) the definition of "nominal gifts" and "hospitality";
- (c) how the Province allows information of the nature noted in Item D(2) to be provided to the general public:

"D(2) Financial disclosure statements shall be kept in a Registry in the City Clerk's Office and shall be made available to the public during normal business hours."

August 24, 1988

Council also noted its appreciation to the Members of the Special Committee on a Code of Conduct for their work.

The report is forwarded to you for your information.

Yours truly,

Ray V. Henderson

City Clerk

[Signature] /fm
MG

Encl.

REPORT OF THE SPECIAL COMMITTEE ON A CODE OF CONDUCT

A. INTRODUCTION

Conflict of interest, abuse of office, and misuse of public property are potential problems in any government. Toronto is fortunate that, in its recent history, its government has been free of scandal and corrupt behaviour. That this record may be maintained and that the public's confidence in its elected officials may be enhanced are goals well worth pursuing.

To these ends, the Committee has been asked to examine pertinent statutes dealing with conflict of interest and related matters in force in Ontario today and in other jurisdictions and proposed legislation at the federal level. Moreover, the Committee was asked to make recommendations regarding amendment of provincial legislation and to report on a Code of Conduct for members of the City Council. The Committee was also instructed to examine how agents and representatives who contact members of Council might be regulated.

B. CURRENT LEGISLATION REGULATING THE CONDUCT OF MEMBERS OF COUNCIL

1. Introduction

Statutes which directly affect members of Toronto's City Council are the Criminal Code, the Municipal Act, the Municipal Conflict of Interest Act, 1983, and the Municipal Elections Act. The by-law most pertinent to regulation of members' conduct is the Council Procedure By-law 33-67.

2. Criminal Code

The only federal statute which controls the behaviour of municipal officials is the Criminal Code. Section 110 prohibits frauds on the government in the form of bribes as well as soliciting and/or accepting gifts from anyone who has dealings with the government. Anyone committing such offences is liable to up to five years in prison. Section 111 prohibits breach of trust on the part of public officers and carries with it a maximum sentence of five years. Section 112 makes municipal corruption in the forms of vote influencing and interfering with the performance of official acts an offence and provides for a period of imprisonment of up to five years. Sections 113 and 114 prohibit the selling and purchasing of offices, influencing or negotiating appointments, and dealing in offices. Section 297 makes refusal to deliver government property, which a person has been entrusted to deliver,

an offence for which the maximum penalty is fourteen years. Section 357 prohibits false returns or statements by public officers and carries a maximum penalty of five years imprisonment. Section 682 prohibits persons convicted under s.110 from contracting with the government unless they receive a dispensation from the Governor in Council or unless the conviction has been set aside.

The Criminal Code thus attempts to control fraud on the government, influence peddling generally, breach of trust, municipal corruption, selling or buying of offices, and influencing or negotiating appointments or dealing in offices.

3. Municipal Act

Section 104 of the Municipal Act is of great importance because it allows City Council to regulate the conduct of its members.

"Every council may pass such by-laws and make such regulations...for governing the proceedings of the Council, the conduct of its members and the calling of meetings."

The Municipal Act, regulates the behaviour of Council members and potential members. Section 38 disqualifies judges, most municipal employees, Members of Parliament and the legislature, and Crown employees from holding office as a member of Council. In short, it deals with the problem of incompatible offices. Section 38 also prevents a person who is bankrupt or insolvent from holding municipal office.

Section 96 of the Municipal Act ensures that before entering office as a member of Council a person shall make a declaration of office. In the declaration of office the new member promises to serve faithfully and impartially, that no bribes have been received, and that disclosure will be made pursuant to the Municipal Conflict of Interest Act.

The Municipal Act allows the Council to regulate members' expenses and expense allowances (sections 239 to 244). Section 102(1) of the Act allows Council to pass a resolution requesting a county or district court judge of the locale in which the municipality is situated "to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Council...".

4. Municipal Conflict of Interest Act, 1983

The Municipal Conflict of Interest Act, 1983 prohibits members of councils and local boards from taking part in decisions on matters

in which they have a personal economic interest. The operation of the Act is triggered when a member has a direct or indirect pecuniary interest (as defined in s.2 and s.3) in the matter before the board or council. The magnitude of the pecuniary interest is irrelevant. Wealth in general, not just cash, is involved in a pecuniary interest. There are nine specific exemptions in s.4 and two general exceptions which say that a member is exempt if he/she has a pecuniary interest in common with electors generally (s.4(j)), and that a member is exempt if the pecuniary interest is too remote or insignificant (s.4(k)).

Where a member has a pecuniary interest he/she must not take part in the vote on that matter and must not attempt to influence the vote (s.5).

Contravention of the Act leads to three forms of sanctions (s.10). The member's seat will be declared vacant, the member may be disqualified from holding public office at a local level for up to seven years, and the member may be forced to make restitution.

5. Municipal Elections Act

The purpose of the Municipal Elections Act is to ensure the orderly and fair conduct of elections at the local level. With respect to ethical conduct of members of council or candidates for office this Act expressly prohibits bribery and provides for a fine of \$2000 and/or imprisonment of up to six months. It also disqualifies a person convicted of bribery from voting "at any election for four years" (s.103).

In addition, s.100 prohibits the destruction of ballots, the unauthorized supplying of ballots, and the removal of ballots from the polling place. Section 101 prohibits the furnishing of false or misleading information. Section 102 prohibits the procuring or inducing of a person to vote who has no right to vote and prevents the publication of false statements concerning the withdrawal of a candidate before or during an election.

6. Municipal Elections Statute Law Amendment Act, 1988

Section 13 of the Amendment Act contains two new parts for the Municipal Elections Act which create alternative systems for regulating election expenses and contributions. Part II is a mandatory system if Part III is not adopted by the municipality (see s.139(1) and (2)). Part II relies on the municipality, principally the clerk, for administration, whereas Part III allows a municipality to utilize the Commission on Election Finances established under the Election Finances Act, 1986. Each of these

systems provide for regulation of candidates, maximum expenditures, contributions, regulation of borrowing, financial statements, records of statements, and auditing. Only Part III deals with political campaign and advertising expenses (s.152 and s.164) and with surplus revenues (s.170). Part III also institutes a tax credit system for contributions (s.173).

7. Council Procedural By-Law

There is regulation of members' conduct in the Council Procedure By-law 33-67. Section 31 regulates conduct unbecoming a member of Council in that it prevents such things as slurs on the Sovereign and the use of offensive language in Council. Section 47 requires members of Council to vote at meetings unless they are prohibited by statute from doing so. This draws one back to the statutes discussed previously.

8. Preliminary Conclusions

Broadly speaking, current legislation at the federal and provincial levels prohibits overt corruption in the form of bribery and involvement in decision-making where a member of a council or local board has a pecuniary interest. If a code of conduct is to be drawn up it must be done in the context of this legislation. There is scope for further regulating members of Council given the 'gaps' in current provincial legislation and the general power in s.104 of the Municipal Act. As well, there is clearly scope for suggesting amendment of the provincial legislation and the Criminal Code.

Current provincial legislation and municipal by-laws do not regulate lobbyists or agents acting on behalf of individual citizens or groups. Here, too, there is scope for change.

C. AMENDMENT OF THE CRIMINAL CODE

Sections 110 to 114 are the key sections dealing with influence peddling and breach of trust. It has been argued that these sections are unnecessarily complex and could be reduced to two sections (one which deals with influence peddling and the other with breach of trust) (Law Reform Commission of Canada Recodifying Criminal Law, Report 31).

As well as complexity there is some ambiguity in the application of these sections. Clearly s.112, the municipal corruption

section, applies to municipal officials. Section 111, which deals with breach of trust, has been held by the Supreme Court of Canada to apply to municipal officials (R. v. Sheets (1971), 1 C.C.C. (2d) 508). It is likely, given this decision, that pertinent parts of s.110, the fraud on government section, would also apply to municipal officials. However, ambiguity exists and hence it is recommended that:

1. The Criminal Code be amended such that municipal officials are included in the definition of "official" in s.107.

D. AMENDMENTS TO PROVINCIAL LEGISLATION

1. Introduction

The major statutes regulating ethical conduct of members of Council are the Municipal Conflict of Interest Act, 1983 and the Municipal Elections Act.

2. The Municipal Conflict of Interest Act, 1983

a. Who is Regulated?

This Act is primarily aimed at regulating the conduct of members. A member is defined in s.1(i) as "a member of a council or local board". Family and business relations of members are regulated.

i. Family

Family ties are seen as significant in the Municipal Conflict of Interest Act, 1983. It applies to spouses, children, and parents, when their pecuniary interests are known to the relevant member (s.3). Such ties are assumed to be important in conflict situations. This may be because the interests of immediate or close relations are seen to coincide with that of members. Our society places enormous emphasis and value on the family (e.g. see the preamble to the Family Law Act, 1986). Relations with siblings in addition to those with spouses, children, and parents, are significant family ties. The appearance of propriety is important. Members should be made to avoid situations where it appears that family derives special benefits from having close ties to the member. Therefore the Committee recommends that:

2. The Municipal Conflict of Interest Act, 1983 be amended so that the brothers and sisters of members are covered by conflict of interest rules.

ii. Spouse

Spouses are subject to the Municipal Conflict of Interest Act, 1983. Spouses may be married people or cohabitants. Clause 1(n), pursuant to s.38 of the Equality Rights Statute Law, now states:

"spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in conjugal relationship outside marriage.

Consistency between provincial statutes is desirable and therefore the Committee recommends that:

3. The definition of "spouse" in the Municipal Conflict of Interest Act, 1983 be changed to coincide with the definition of spouse in s. 1 of the Members' Conflict of Interest Act, 1988.

iii. Members with Indirect Pecuniary Interests

This Act applies to professional and business relationships because a person has an indirect pecuniary interest if he or she is a shareholder, director, or senior officer of a private corporation or has a controlling interest in or is a director or senior officer of a public corporation or is a partner or person in the employment of a person or body that has a pecuniary interest in the matter (s.2).

What constitutes a "controlling interest" is of great concern to the Committee. Section 1(b) states: "controlling interest" means the interest that a person has in a corporation when he beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding.

Ownership or control of a small percentage of shares may be very significant financially. Therefore the Committee recommends that:

4. The definition of "controlling interest" in the Municipal Conflict of Interest Act, 1983 be dropped and replaced by a definition entitled "interest in a public corporation" in which ownership of 1/10 of 1%

or more of the shares will constitute the interest which is to be regulated.

5. Interest in a public corporation, as suggested in recommendation 4, shall be defined as meaning "the interest that a person has in a public corporation when he beneficially owns, directly or indirectly, or exercises control or direction over 1/10 of 1% of the equity shares of the public corporation."
6. Clause 2(a)(ii) of the Municipal Conflict of Interest Act be amended to conform to recommendations 4 and 5 and should state:

"(ii) has an interest in a public corporation or is a director or senior officer of a corporation that offers its securities to the public."

iv. Members of Voluntary Associations

It is likely that a member of a voluntary association that had a pecuniary interest in a matter before Council or other City board would be covered by the phrase "is a member of a body" (clause 2(a)(iii)). At this time, the Committee sees no need for further or more refined regulation of membership in voluntary associations.

b. What is to be Regulated?

i. Conflict of Interest

There is no explicit definition of conflict of interest in the Municipal Conflict of Interest Act, 1983. Such a definition is found in the Members' Conflict of Interest Act, 1988 and in the legislation of other provinces (e.g. P.E.I.'s Conflict of Interest Act). A general definition is useful because it alerts members to the problem and heightens awareness of potential conflicts of interest.

Section 2 of the Members' Conflict of Interest Act, 1988 states:

For the purposes of this Act, a member has a conflict of interest when the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows that in the making of the decision there is the opportunity to further his or her private interest.

This definition, while of much utility, focuses on the furtherance of "private interest" which is only defined negatively in section 1.

The Municipal Conflict of Interest Act, 1983 implies what a conflict of interest is by regulating pecuniary interests. Having a clear conception of what conflict of interest is is critical because it points to who and what should be regulated.

At the centre of most definitions of conflict of interest is the belief that private, personal interest must not conflict with public duty. Both real and apparent conflicts are important. A member of Council must not only not be in a conflict of interest situation, but also must not be perceived as being in such a situation.

In order to heighten members' awareness of conflicts of interest and to strengthen public confidence in members the committee recommends that:

7. The Municipal Conflict of Interest Act, 1983 be amended to include a general definition of conflict of interest which shall state: "no member shall act on behalf of any interest which contradicts or interferes with his/her official duties as defined in the Municipal Act, the Municipal Conflict of Interest Act, 1983, and the Municipal Elections Act."

Such a definition seems to include non-pecuniary interests although it is not the intention of the Committee to extensively regulate such interests. Such regulation is ultimately impractical. A general definition raises sensitivity to the problem without engaging in regulation which runs the risk of being impractical and possibly undemocratic.

ii. Specific Forms of Conflict of Interest

The Municipal Conflict of Interest Act, 1983 makes no reference to use of insider or confidential information or to use of influence of office. The Members' Conflict of Interest Act, 1988 makes reference to both these problems as does legislation in other provinces (e.g. Manitoba's Municipal Council Conflict of Interest Act).

Involvement in public office often enables an official to gain information not accessible to the public as a whole. Access to information about jobs or contracts and the timing of such access could afford an official and his/her benefactor an enormous advantage over other

citizens. Confidential information should not be disclosed for any reason other than as part of the official duty of a member. The Committee therefore recommends that:

8. The Municipal Conflict of Interest Act, 1983 be amended to include prohibition of misuse of confidential information. The section should state:

"A member who gains information in the execution of his/her office that is not available to the general public shall not use the information for any purpose other than his/her official duties."

This should be a subsection of the conflict of interest section and it should begin with the words "Without limiting the generality of the foregoing clause(s)".

Use of influence of office could be dealt with in a similar way. The Criminal Code deals with influence peddling. Notwithstanding this fact, the Members' Conflict of Interest Act, 1988 and other provinces' legislation regulates this behaviour. The Committee recommends that:

9. The Municipal Conflict of Interest Act, 1983 be amended to include a section which will prohibit improper use of influence of office and which will be a subsection of the section dealing with conflict of interest. It shall state:

"No member shall seek or obtain by reason of his or her office any privilege or advantage not otherwise available to the general public and not consequent to his or her official duties."

A specific form of conflict of interest which also must be strictly prohibited is the appearance before municipal agencies and boards by members who are acting as paid agents of private parties. This is a clear abridgment of public trust. The members must act in the public interest and must be seen to act in that interest. To this end, it is recommended that:

10. The Municipal Conflict of Interest Act, 1983 be amended to prohibit members of Council acting as paid agents before Council, committees of Council, or boards and agencies of the municipality in which they are members.

c. Techniques of Control

i. Recording of Disclosure of Conflicts in Council

Ontario's Municipal Conflict of Interest Act requires that the declaration of interest and "its general nature" be recorded if the declaration was made at a public meeting (s.6(1)) and that only the declaration itself be recorded if it was made at a closed meeting (s.6(2)). These declarations are recorded in the minutes of the meeting where they are made.

Other provinces, for example Manitoba and Nova Scotia, require that a Central Record of Disclosures be kept by the clerk of the municipality. This enhances the potential for public access to disclosure information.

It is recommended that:

11. Section 6 of the Municipal Conflict of Interest Act, 1983 be amended to provide for a Central Record of Disclosure which shall be kept by the clerk of the municipality and shall be available to the public during normal business hours.

ii. Contents of Disclosure

Clause 5(1)(a) requires that a member disclose his or her interest in a matter and the "general nature" of that interest. The legislation gives no guidance as to what the content of this disclosure is to be. To be meaningful, more than the general nature should be disclosed. It is recommended that:

12. Clause 5(1)(a) of the Municipal Conflict of Interest Act, 1983 be amended to require that the members' precise interest in the matter before Council be revealed.

iii. Attendance at meeting where disclosure has been made

Section 5(2) of the Act requires that at a closed meeting a member who has disclosed a conflict leave the meeting. This is prudent because it prohibits any participation in the meeting. This would be similar for a public meeting. Therefore the Committee recommends that:

13. Subsection 5(1) be amended to require that members who have made a disclosure at a public meeting leave the meeting but may sit in the public gallery while the matter is being discussed and the vote taken.

iv. Financial Disclosure Statements

Registration of financial or disclosure statements is a technique which may allow the public access to information about office holders and hence about potential conflicts of interest. The creation of a registry of such statements makes possible more effective monitoring of conflicts of interest.

Ontario's Members' Conflict of Interest Act, 1988 contains provisions for a disclosure statement and for a public disclosure statement. Manitoba and B.C. have disclosure systems and the federal government has included financial statements in its recent bill regarding conflict of interest.

Financial disclosure at the outset of each term of office as well as continuing disclosure would help both the members and the public monitor potential conflicts of interest. The Committee recommends that:

14. The Municipal Conflict of Interest Act, 1983 be amended to require members of Council to make disclosure statements within 60 days of their election and thereafter within 30 days of any change in their financial circumstances. This disclosure should reveal: real estate holdings in the municipality; mortgages owned in the municipality; sources of salaries, business, and professional income over \$1000 per annum; shares in private corporations; significant interests in public corporations (i.e. greater than 1/10 of 1% of the shares); and names of creditors where the debt is greater than \$10000.

d. Enforcement - Ethics Commission

Ethics Commissions are common throughout the United States but not Canada. In recent years Ontario has created Commissions to deal with conflict of interest of members of the Provincial Parliament and to deal with election finances.

Generally speaking, ethics commissions provide educational, advisory, and enforcement functions. Such commissions acquire considerable expertise. They provide a separate 'forum' for dealing with ethical issues and, depending on how they are constituted, are impartial, objective appraisers of such issues.

Establishment of a provincial commission to monitor municipal misconduct is justified on grounds of

impartiality, expertise, and economy. It would be a body or officer completely separated from the municipal level, yet would develop province-wide expertise in misconduct matters.

Creation of a separate ethics officer or board in each municipality may be neither feasible nor practical. It may be expensive for smaller municipalities to have such entities and there would likely not be enough work to justify separate commissions in each place.

The Municipal Conflict of Interest Act, 1983 relies on electors to go to court to have a judge determine whether or not a member has contravened his/her duty under the Act. Members of the public may have neither time nor money to monitor Council and they may not have the time or money to take members of Council to court.

The Committee recommends that:

15. The Province of Ontario establish an office of "Municipal Ethics Commissioner". This office will have advisory, investigative, and educational functions.

3. Municipal Elections Act and Recent Amendments

a. What is Regulated and How it is Regulated?

i. Campaign Contributions and Expenditures

The Municipal Elections Statute Law Amendment Act, 1988 provides for elaborate systems of monitoring campaign expenses and contributions in both Parts II and III. It is obviously too early to assess the impact of this legislation since it only came into force on June 8 of this year.

What constitutes contributions and when they are made is problematic. "Contribution", e.g., is defined in s.122. Subsection (b) would allow the voluntary services of an executive employed by a firm that asked him or her to volunteer to be excluded from the calculation of what constitutes a contribution. As to when contributions can be made, it is theoretically possible to raise funds outside a campaign period and spend monies which will not be subject to this Act.

Campaign expenditures are limited under both parts (s.129(4),(5) and s.166(1),(2)). Federal and provincial

legislation allows greater expenditure by candidates in their constituencies. The \$.50 per elector limitation in the Amendment Act is insufficient. The Committee recommends that:

16. The Municipal Elections Statute Law Amendment Act, 1988 be amended to allow an expenditure of \$1.00 per elector and that this figure be monitored and indexed to inflation in subsequent elections.

The Part II system requires that an auditor be appointed if candidates' contributions or expenses exceed \$10000 (s.131(1)) and the Part III system automatically requires the appointment of an auditor (s.168(1)). Under the Election Finances Act, 1986 the Province subsidizes the candidates' payment for auditors that are required of candidates in provincial election campaigns. The Committee recommends that:

17. Council consider having the City pay the fees of the auditors required under the Municipal Elections Statute Law Amendment Act, 1988.

b. Enforcement - General

The Municipal Elections Act has a variety of enforcement people and mechanisms. Clerks, deputy returning officers, candidates, and electors may be involved.

Subsection 106(1) allows for the commencing of a court action to determine the validity of an election. Subsection 106(3) indicates that any elector entitled to vote may commence such an action. Reliance on electors alone is problematic as indicated in the discussion above concerning enforcement of the Municipal Conflict of Interest Act.

Subsection 107(1) ensures that court action is a summary, informal proceeding. This helps in reducing the expense of an action and possibly the time involved. Still, it seems reasonable to have an outside agency monitor elections, and perhaps the proposed municipal Ethics Commissioner is an appropriate official to do this.

E. CODE OF CONDUCT

1. Introduction

Codes of conduct have been adopted for many American and some Canadian cities. Whether or not to adopt a code depends on whether or not legislation currently in place adequately deals with problems of misconduct.

2. Jurisdiction to Establish a Code of Conduct for Members of Council

Section 104 of the Municipal Act contains the power through which a council may regulate its members. It states that "every council may pass such laws and make such regulations... for governing... the conduct of its members".

There is no case law on s.104 but it appears broad enough to allow a council to regulate ethical conduct of its members. This power, however, is subject to the constitutional constraints. Municipalities simply lack their own constitutional status and should not encroach on federal powers.

Moreover, a council must not pass by-laws which are at variance with provincial law since by-laws are essentially inferior or subordinate laws (Rogers, The Law of Municipal Corporations (1971), p.338). For example, it could not pass a by-law at variance with the sections on indirect pecuniary interest in the Municipal Conflict of Interest Act, 1983. However, a council might try to regulate non-pecuniary interests in its own way or require council members to submit financial statements to the clerk or an ethics officer since the Municipal Conflict of Interest Act, 1983 is silent on these matters.

3. Basics for a Code

The Committee has made many recommendations for change in the Municipal Conflict of Interest Act, 1983, many of which, if passed, would alleviate, although not altogether eliminate, the need for a Code of Conduct. However, until 'gaps' are filled in that statute, a Code including these changes would ensure that Toronto's Council is appropriately regulated.

The Code of Conduct could, and perhaps should, go beyond these recommended changes. For example, concerns have been raised about conduct unbecoming members of council including meeting agents or lobbyists in the members' lounge, as concern has been raised about acceptance of gifts. Moreover, in terms of conflict of interest, use of civic employees on election campaigns in hours they should be working should be prohibited.

4. Code of Conduct

It is recommended that:

18. The Council of the City of Toronto adopt by by-law the following Code of Conduct:

CODE OF CONDUCT FOR MEMBERS OF THE COUNCIL OF THE CITY OF TORONTO

A. Declaration of Policy

In a democracy, government should be open, accessible, equitable, and efficient. Democratic government requires that elected officials be independent, impartial, and responsible to the people. Government decisions and policy must be made through the appropriate channels of government structure. Public office must not be used for personal gain. The public must have confidence in the integrity of its government.

In order to strengthen the democratic operation of the City of Toronto and to enhance public trust in that government this Code supplements existing federal and provincial legislation in a manner consistent with that legislation. Members of Council hold office for the benefit of the public and their conduct must be of the highest standard. Moreover, members must be seen to be acting in the public interest.

B. Definitions

"Family" includes the member's spouse, children, parents, and siblings,

"Financial Disclosure Statement" is a written declaration of assets, liabilities, and income by members as defined in clause D.3. of this Code,

"Member" means member of the Council of the City of Toronto,

"Official duties" are those obligations consequent to being a member of Council as defined in provincial legislation and in by-laws of the City of Toronto,

"Significant interests in a public corporation" are holdings in excess of 1/10 of 1 per cent. of the shares of such a corporation,

"Spouse" means spouse as defined in s.1 of the Members' Conflict of Interest Act, 1988.

C. Prohibited Conduct

1. Conflicts of Interest

- a. General - No member shall engage in any activity , financial or otherwise, which is incompatible with the proper discharge of his/her official duties in the public interest.
- b. Specific - Without limiting the generality of clause C.1.a. the following behaviour is expressly prohibited:
 - i. No member shall use information gained in the execution of his/her office that is not available to the general public for any purpose other than his/her official duties.
 - ii. No member shall use influence of office for any purpose other than his/her official duties.
 - iii. No member shall act as a paid agent before Council or a committee of Council or any agency, board or commission of the City of Toronto.
 - iv. No member shall use the services of civic employees in work for his/her re-election during hours in which these employees are in the paid employment of the City.

2. Acceptance of Gifts and Hospitality

- a. No member shall accept gifts and/or hospitality which may have an undue

influence on the exercise of his/her official duties.

D. Registration of Financial Disclosure Statements

1. A member must file a financial disclosure statement with the City Clerk sixty days after his/her election.
2. Financial disclosure statements shall be kept in a Registry in the City Clerk's Office and shall be made available to the public during normal business hours.
3. The financial disclosure statement shall apply to each member and his/her spouse and shall contain the following information:
 - a. Real estate holdings in the municipality,
 - b. Mortgages owned in the municipality,
 - c. Name of every person, corporation or subsidiary, partnership, or organization from which remuneration of over \$1000 per annum is obtained,
 - d. Shares in private corporations,
 - e. Significant interests in public corporations,
 - f. Name of creditor(s) where debt exceeds \$10000.
4. Where after the filing of a financial disclosure statement a member or his/her spouse disposes of or acquires an asset or liability mentioned in clause D.3., a member must file a further statement disclosing the acquisition or disposal within 30 days of that acquisition or disposal.

E. Enforcement

1. Complaints regarding contraventions of this Code must be in writing and may be made by any citizen including members of Council. Complaints must be filed in the City Solicitor's Office.

2. The City Solicitor shall have the responsibility for enforcing this Code. He/she shall have the power to investigate complaints and to prosecute any action which he/she deems appropriate.

F. Penalty

1. Fine

- a. Any member who contravenes any section in this Code is liable to a fine of up to \$2000.

G. Distribution of the Code of Conduct

1. City Clerk

- i. It is the responsibility of the City Clerk to deliver to each member a copy of the Code of Conduct within 48 hours of his/her election.
 - ii. The City Clerk shall make this Code available to any member of the public who requests a copy of it.

5. Explanatory Notes on Code

In creating this Code, the Committee made use of model codes and codes in operation in other jurisdictions in both Canada and the United States.

The "Declaration of Policy" section conveys the importance of propriety in the conduct of members. Moreover, it stresses the importance of the appearance of propriety.

The "Definitions" section includes terms such as "family", "spouse", and "interest in a public corporation", which were recommended as amendments to provincial legislation.

The section outlining "Prohibited Conduct" itself contains sections dealing with conflict of interest and conduct unbecoming members. It contains a general definition of conflict of interest which includes pecuniary and non-pecuniary interests. It also contains specific forms of conflict of interest including use of

confidential information, use of influence of office, and prohibition of appearing as paid agents which were recommendations made in section D. It also goes beyond these recommendations by including a prohibition of use of staff for election purposes.

The Code contains a part or section dealing with Registration of Financial Disclosure Statements. Time of filing, filing with the clerk, and contents are all specified. The contents are essentially those recommended for the provincial legislation suggested above.

Enforcement will be carried out by the City Solicitor, who is the most appropriate officer to do so at the local level.

The maximum fine is \$2,000.00 (Code F.1.) because that is the maximum fine under the Municipal Act, s.321.

F. REGISTRATION OF LOBBYISTS

1. Introduction

Concern about representatives has been raised by members of Council. There is a perception that agents, representatives and/or lobbyists unduly influence members of Council.

Lobbying is a legitimate activity. Access to government is in the public interest. Yet fear of secrecy is apparent and hence it is desirable that the public be able to know who is attempting to influence government.

2. Jurisdiction

It is within the jurisdiction of the Council to pass a by-law regarding regulation and/or registration of lobbyists. Section 104 of the Municipal Act states:

Every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law...

No legislation now regulates lobbyists at the municipal level and it could be argued that such regulation is necessary for "the ... morality and welfare of the inhabitants of the municipality...".

3. Lobbying: The Problem and its Resolution

Lobbying is an activity through which individuals or groups seek to create, change, or influence government policy. It is a non or extra parliamentary activity in which people attempt to have an impact on public policy. It is politics beyond the exercise of the franchise and is the direct contacting of government in order to let one's or a group's views be known to those who have the power to affect policy.

The federal government is attempting to establish a lobbyist register in order to enhance openness in government and public confidence in the democratic process (see Bill C-82).

The Committee recommends that:

19. A Register of Lobbyists be established for the City of Toronto.
20. The Register of Lobbyists be kept in the City Clerk's Office and be made available to the public during normal business hours.

4. Contents of the Register of Lobbyists

a. Definition of Lobbyist

Lobbyists may be paid or unpaid. They may be full-time professional lobbyists or they may be people whose employment entails some measure of lobbying. The registration of unpaid lobbyists is unnecessary and may be undemocratic.

The Committee recommends that:

21. City Council adopt the following definition of a lobbyist:

"Lobbyist" means a person acting on behalf of others or others' interests and doing so for pay. One acts as a lobbyist when one appears before Council or a committee of Council or any City agency, board or commission, or when discussing any agenda items and/or applications with members or officials."

b. Contents of Register

Registration schemes vary in the amount of information that they require that lobbyists declare. Information

gathered should permit an insight into who is trying to influence government while encouraging access to government. At this time the Committee recommends that:

22. The Register of Lobbyists include the following information:

1. Name of lobbyist or lobbyist's firm.
2. Employer/client of lobbyist.
3. Agenda items and/or applications on which lobbying is occurring.

c. Who May Act as Paid Lobbyists

Members acting as paid agents or representatives has been dealt with in a previous section.

Civic employees have a special duty to the public. They are in a position of trust. Appearing as paid agents before Municipal boards and agencies is a conflict of interest. Therefore the Committee recommends that:

23. Civic employees be prohibited from appearing as paid agents before Council or committees of Council or City boards, agencies, or commissions. This shall not apply, however, to any civic employee on a leave of absence or otherwise who appears on behalf of his/her union or employee association with respect to any matter which concerns the union.

Moreover, the Committee recommends that:

24. Management and professional employees not be allowed to appear before Council or committees of Council or civic agencies, boards, or commissions, other than in the performance of their official duties.

Such a prohibition will enhance the public's confidence in the impartiality of the boards.

Prohibition of appearing as a paid agent for a specified period after a person has left office or the employ of the City has not been recommended by the Committee. While strong concern was expressed about public perceptions of former employees appearing before Council, committees, civic agencies, boards or commissions as paid agents within a short period of time of leaving office, the majority of the Committee felt that such restriction was unwarranted at this time and that it might offend s.15 of the Charter of Rights and Freedoms.

G. USE OF THE MEMBERS' LOUNGE

In both the House of Commons and Queen's Park, the Members' Lounge is set aside for the exclusive use of Members, and no press or public are allowed access. However, in both Parliaments, there is an area outside the chamber where both press and public have access to Members. There is no such area at City Hall.

There is a need for members to have an area of privacy, but there is also a need for an area where members may meet with the public and press.

Also, concern has been expressed that some members of the public come into the Lounge uninvited to seek out members of Council.

The Committee recommends that:

25. During Council meetings, the Members' Lounge be split by a temporary room divider. One section shall be for the exclusive use of members of Council, their personal staff, and senior officials. The other section shall be open to the press and shall also be open to members of the public who are there only on the express invitation of a member of Council.

H. EMPLOYEES' CONDUCT

While it is beyond the scope of the work of this Committee, it is apparent to the Committee that employees, particularly those at the upper levels of the bureaucracy, could be placed in situations of potential conflict of interest. Therefore the Committee recommends that:

26. City Council consider establishing a Code of Conduct for civic employees.

I. CONCLUSION

If implemented, the recommendations contained in this report should improve members' ability to conduct themselves free of conflict of interests. Moreover, public perception of the government of the City will be enhanced. Toronto can maintain its fine record and increase public confidence in its elected officials and its administration. The Committee believes that its recommendations will help City Council achieve these laudable goals.

SUMMARY OF RECOMMENDATIONS:

The Special Committee on a Code of Conduct recommends that:

1. The Criminal Code be amended such that municipal officials are included in the definition of "official" in s.107.
2. The Municipal Conflict of Interest Act, 1983 be amended so that the brothers and sisters of members are covered by conflict of interest rules.
3. The definition of "spouse" in the Municipal Conflict of Interest Act, 1983 be changed to coincide with the definition of spouse in s. 1 of the Members' Conflict of Interest Act, 1988.
4. The definition of "controlling interest" in the Municipal Conflict of Interest Act, 1983 be dropped and replaced by a definition entitled "interest in a public corporation" in which ownership of 1/10 of 1% or more of the shares will constitute the interest which is to be regulated.
5. Interest in a public corporation, as suggested in recommendation 4, shall be defined as meaning "the interest that a person has in a public corporation when he beneficially owns, directly or indirectly, or exercises control or direction over 1/10 of 1% of the equity shares of the public corporation."
6. Clause 2(a)(ii) of the Municipal Conflict of Interest Act, 1983 be amended to conform to recommendations 4 and 5 and should state:

" (ii) has an interest in a public corporation or is a director or senior officer of a corporation that offers its securities to the public."
7. The Municipal Conflict of Interest Act, 1983 be amended to include a general definition of conflict of interest which shall state: "no member shall act on behalf of any interest which contradicts or interferes with his/her official duties as defined in the Municipal Act, the Municipal Conflict of Interest Act, 1983, and the Municipal Elections Act."
8. The Municipal Conflict of Interest Act, 1983 be amended to include prohibition of misuse of confidential information. The section should state:

"A member who gains information in the execution of his/her office that is not available to the general

public shall not use the information for any purpose other than his/her official duties."

This should be a subsection of the conflict of interest section and it should begin with the words "Without limiting the generality of the foregoing clause(s)".

9. The Municipal Conflict of Interest Act, 1983 be amended to include a section which will prohibit improper use of influence of office and which will be a subsection of the section dealing with conflict of interest. It shall state:

"No member shall seek or obtain by reason of his or her office any privilege or advantage not otherwise available to the general public and not consequent to his or her official duties."

10. The Municipal Conflict of Interest Act, 1983 be amended to prohibit members of Council acting as paid agents before Council, committees of Council, or boards and agencies of the municipality in which they are members.
11. Section 6 of the Municipal Conflict of Interest Act, 1983 be amended to provide for a Central Record of Disclosure which shall be kept by the clerk of the municipality and shall be available to the public during normal business hours.
12. Clause 5(1)(a) of the Municipal Conflict of Interest Act, 1983 be amended to require that the members' precise interest in the matter before Council be revealed.
13. Subsection 5(1) of the Municipal Conflict of Interest Act, 1983 be amended to require that members who have made a disclosure at a public meeting leave the meeting but may sit in the public gallery while the matter is being discussed and the vote taken.
14. The Municipal Conflict of Interest Act, 1983 be amended to require members of Council to make disclosure statements within 60 days of their election and thereafter within 30 days of any change in their financial circumstances. This disclosure should reveal: real estate holdings in the municipality; mortgages owned in the municipality; sources of salaries, business and professional income over \$1000 per annum; shares in private corporations; significant interests in public corporations (i.e. greater than 1/10 of 1% of the shares); and names of creditors where the debt is greater than \$10000.

15. The Province of Ontario establish an office of "Municipal Ethics Commissioner". This office will have advisory, investigative, and educational functions.
16. The Municipal Elections Statute Law Amendment Act, 1988 be amended to allow an expenditure of \$1.00 per elector and that this figure be monitored and indexed to inflation in subsequent elections.
17. Council consider having the City pay the fees of the auditors required under the Municipal Elections Statute Law Amendment Act, 1988.
18. The Council of the City of Toronto adopt by by-law the following Code of Conduct:

CODE OF CONDUCT FOR MEMBERS OF
THE COUNCIL OF THE CITY OF TORONTO

A. Declaration of Policy

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26. City Council consider establishing a Code of Conduct for civic employees.

APPENDIX A

REFERENCES

STATUTES

Canada

Criminal Code R.S.C. 1970, c.-C - 34 (as amended)

British Columbia

Financial Disclosure Act R.S.B.C. 1979, c.130

Manitoba

Municipal Council Conflict of Interest Act S.M. 1973, c.44

New Brunswick

Conflict of Interest Act S.N.B. 1978, c. C - 16.1 (as amended)

Newfoundland

The Conflict of Interest Act, 1973 S.N. 1973, n.113 (as amended)

Nova Scotia

Municipal Conflict of Interest Act S.N.S. 1982, c.11

Conflict of Interest Act S.N.S. 1987, c.4

NorthWest Territories

Conflict of Interest Ordinance Ord.N.W.T. 1974, c. C - 11

Ontario

City of Toronto Act, 1982 S.O. 1982, c.89

Election Finances Act, 1986 S.O. 1986, c.33

Equality Rights Statute Amendment Act S.O. 1986, c.64

Family Law Act, 1986 S.O. 1986, c.4

Members' Conflict of Interest Act, 1988 S.O. 1988, c.17

Municipal Act R.S.O. 1980, c.302

Municipal Conflict of Interest Act, 1983 S.O. 1983, c.8

Municipal Elections Act R.S.O. 1980, c.308 (as amended)

Municipal Elections Statute Law Amendment Act, 1988 S.O. 1988, c.33

Prince Edward Island

Conflict of Interest Act S.P.E.I. 1986, c.9

Saskatchewan

Members of Legislative Assembly Conflict of Interest Act S.S.
1980, c. M - 11.2

BILLS

Canada

Bill C - 82, An Act respecting Registration of Lobbyists

Bill C - 114, An Act to provide for greater certainty in the reconciliation of the Personal Interests and Duties of Office of Members of the Senate and the House of Commons

CODES

Calgary

Ethical Guidelines as adopted by Council, 1983

Minneapolis

Minneapolis Code, Ethics in Government, c.15

New York

Charter, Ethics, c.68

PROPOSED BY-LAWS

Montreal

By-law re. Ethics of Municipal Councillors, Aug., 1987

SUGGESTED GUIDELINES

Victoria

Code of Ethics, ca. 1980

MODEL CODES

League of Wisconsin Municipalities

Ethical Standards of Conduct of Elected Officials

NIMLO Model Ordinances

Code of Ethics

Union of B.C. Municipalities

Ethical Standards of Conduct of Elected Government Officials

CASES

Belzberg v. R. (1961), 131 C.C.C. 281 (S.C.C.)

Greene v. Borins (1985), 8 O.A.C. 141 (Div. Ct.)

Johansen et. al. v. Dickerson (1980), 30 O.R. (2d) 616 (Div. Ct.)

R. v. Giguere (1983), 8 C.C.C. (3d) 1 (S.C.C.)

R. v. Reid (1982), 3 W.W.R. 77 (Man. Prov. Ct.)

R. v. Rouleau (1984), 14 C.C.C. (3d) 14 (Que.C.A.)

Re. Edwards and Wilson et. al. (1980), 31 O.R. (2d) 442 (Div. Ct.)

Re. Graham and McCallum (1982), 137 D.L.R. (3d) 432 (Ont.Co.Ct.)
aff'd 139 D.L.R. (3d) 509 (Ont. Div. Ct.)

Re. Moll and Fisher (1979), 23 O.R. (2d) 609 (Div. Ct.)

Re. Smith and Adam (1987), 58 O.R. (2d) 579 (H.C.J.)

Re. Verdun and Rupnow (1980), 30 O.R. (2d) 675 (Co.Ct.)

REPORTS OF COMMISSIONS OF INQUIRY AND LAW REFORM COMMISSIONS

Aird, J. Report on Ministerial Compliance with the Conflict of Interest Guidelines, 1986

Commission of Inquiry into the Facts of Allegations of Conflict of Interest Concerning the Honourable Sinclair Stevens, Report, 1987

Law Reform Commission of Canada, Recodifying Criminal Law, 1987

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Law Reform Commission of Saskatchewan, Report on Conflict of Interest, 1977

Task Force on Conflict of Interest, Ethical Conduct in the Public Sector

Winnipeg Commission on Conflict of Interest, Report, 1977

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- Kernaghan, K. and D. Siegel, Public Administration in Canada, Toronto: Methuen, 1987
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- Rogers, I.M., The Law of Municipal Corporations, Toronto: Carswell, 1971, Supp. 1988
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- Smither, M.J., Municipal Conflict of Interest, St. Thomas, Ont.: Municipal World, 1983
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- Van Loon, R. and M. Whittington, The Canadian Political System, Toronto: McGraw-Hill Ryerson, 1987
- Young, R. "Conflict of Interest: Issues and Problems" in P. Mullins et.al. (eds.) Political Reform in California, Berkeley:

4.

Corporation of the City of Hamilton

Memorandum

TO: Legislation Committee

YOUR FILE:

FROM: E. A. Simpson
City Clerk

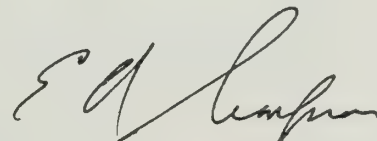
OUR FILE:
PHONE: 526-2729

SUBJECT: RATE INCREASES FOR CABLE COMPANIES

DATE: 1988 September 13

At its meeting held 1988 August 30, City Council directed that the following Notice of Motion of Alderman Agostino, relative to rate increases for Cable Companies be referred to the Legislation Committee and that the Legislation Committee be directed to obtain all available information as to whether or not the Cable Companies fall under the jurisdiction of the C.R.T.C. with respect to rate increases:

That the City of Hamilton request the Federal Government to enact legislation in order to require Cable Companies to appear before the C.R.T.C. to justify and seek approval for any rate increases exceeding 4%.



JT:mjw

5.

TO: Legislation Committee

YOUR FILE:

FROM: Mr. E. A. Simpson
City Clerk

OUR FILE:
PHONE: 526-2729

SUBJECT: TRANSFER OF EXECUTIVE COMMITTEE'S DUTIES

DATE: 1988 September 13

At its meeting held 1988 August 30, City Council directed that the following Notice of Motion of Alderman Agro, relative to the transfer of the Executive Committee duties to the Finance Committee be referred to the Legislation Committee for study:

- (a) That, in keeping with the strong Committee system, and on the basis that each Ward be represented on all Standing Committees, the Finance Committee assume all of the duties and responsibilities of the Executive Committee.
- (b) That the Mayor, by virtue of his office, be Chairman of the Finance Committee.
- (c) That the Vice-Chairman of the Finance Committee be appointed by City Council.
- (d) That this change be effective December 1988.
- (e) That the City of Hamilton Procedural By-law 82-203 be amended to reflect this change.

6.

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 September 13

COMM FILE:

DEPT FILE:

SUBJECT:

POLICY TO GOVERN AND REGULATE THE INSTALLATION OF
COMMEMORATIVE AND MEMORIAL PLAQUES IN CITY HALL



RECOMMENDATION:

- (a) That the installation of all commemorative and memorial plaques in City Hall shall be subject to the consideration and recommendation of the Legislation Committee and approval of City Council.
- (b) That each application to install a plaque shall be considered on its own merits.
- (c) That the size of the plaques shall be approved in accordance with the policy contained in Section 21 of the Sixth Report of the Legislation Committee namely, 18" x 12" (45.72 cm x 38.48 cm) adopted by City Council 1985 April 09.
- (d) That the quality of materials used therein shall be subject to the approval of the Legislation Committee and City Council to ensure that is compatible with and compliments City Hall facilities. The Director of Property shall prepare a report in this regard for the Committee's consideration.
- (e) That the wording to be contained on any plaque shall be approved by the Legislation Committee and City Council.
- (f) That the applicant shall be responsible for the cost of the plaque as well as the research and historical accuracy of the plaque inscription.
- (g) That the City shall always retain the right to relocate any plaque to another location in the event the City requires the space or area for other municipal purposes at sometime in the future.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Inquiries have been made at the Department of External Affairs about a federal policy on the erection of memorial plaques in federal buildings and the Historic Sites and Monuments Board of Canada regarding the erection of commemorative plaques.

Findings indicate that there does not appear to be an official policy regulating the erection of plaques. Attached for the Committee's information are the replies to our inquiries.

It is therefore recommended that the above policy be approved.

Attachment

c.c. L. Sage
 Chief Administrative Officer

 D. Vyce
 Director of Property

 R. Swan, Manager
 Property Maintenance Division

 R. Martiniuk, Manager
 Architectural Division

Department of External Affairs



Ministère des Affaires extérieures

RECEIVED Canada

OTTAWA, Ontario
K1A 0G2

AUG 15 1988

August 8, 1988

Mr. John Thompson CITY CLERKS
Secretary
Legislation Committee
City Hall
Hamilton, Ontario
L8N 3T4

Dear Mr. Thompson:

The Secretary of State for External Affairs, the Right Honourable Joe Clark has asked me to reply to your letter of July 25, 1988 inquiring about a federal policy on the erection of memorial plaques in federal buildings.

We have made several inquiries and have established that there is apparently no official government policy regulating the erection of memorial plaques. Nevertheless, if you have more detailed questions, you may wish to contact the Assistant Secretary to the Historic Sites and Monuments Board of Canada, Mr. Larry Friend, with whom we have already discussed your question in general terms. You may contact Mr. Friend at the following address:

Mr. Larry Friend
Assistant Secretary
Historic Sites and Monuments Board of Canada
Terrasses de la Chaudière
Ottawa, Ontario
K1A 0H3
Tel: (613) 997-4059

Yours sincerely,

Robert W. Poetschke
Deputy Director
USSR and Eastern Europe
Relations Division

c.c.: Mr. Larry Friend



Historic Sites
and Monuments
Board of Canada

Commission des lieux
et monuments
historiques du Canada

AUG 29 1988

OTTAWA, Ontario K1A 0H3
August 19, 1988

John Thompson
Legislative Assistant
City Hall
City of Hamilton
Hamilton, Ontario
L8N 3T4

Dear Mr. Thompson:

Just a brief note, further to our conversation of the 16th, concerning the erection of commemorative plaques.

The Historic Sites and Monuments Board of Canada advises the Federal Minister of the Environment on the commemoration of our nation's history. That is to say that, it serves to identify those persons, places and events of national significance, opposed to regional or local importance. Now, if the Board recommends X to be of national significance and suggests that it be commemorated by means of a plaque, the plaque inscription is drafted in-house, generally by the historian who prepared the research paper on X which was reviewed by the Board. Thus, the inscriptions are generally pretty accurate. Nonetheless, we do circulate the draft inscription to interested parties in order that they may vet it for historical accuracy. Once we have an approved text, a plaque is cast and erected and here you may wish to bear in mind that Board plaques are always erected at a place closely associated with the subject of commemoration.

I hope that the above is of some use to you. Best of luck in your attempt to develop guidelines concerning the erection of commemorative plaques within and around Hamilton City Hall.

Yours sincerely

Lawrence Friend
Administrative Secretary

7

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 September 09

SUBJECT:

Proposed Incorporation of St. Joseph's Hospital, Hamilton

RECOMMENDATION:

That approval be given to the request of the Sisters of St. Joseph of the Diocese of Hamilton, owners and operators of St. Joseph's Hospital in Hamilton to include the name "Hamilton" in the name of the proposed corporation being formed for the operation of St. Joseph's Hospital.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

It is intended to incorporate the Hospital separately. The preferred name is St. Joseph's Hospital, Hamilton. The head office of the corporation would be at the Hospital site, 50 Charlton Avenue East, Hamilton.

7(a)

FOR ACTION

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. E. A. Simpson
City Clerk

DATE: 1988 September 15
COMM FILE:
DEPT FILE:

SUBJECT: PHOTO-COPIER FOR ALDERMANIC OFFICES

RECOMMENDATION:

That the photo-copier which is presently being rented on a trial basis for the Aldermanic Offices be purchased for a net amount of \$1836.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The amount of \$1836. will be financed from Account No. 0322-0183 (Rental Office Equipment - City Clerk's Department).

E. A. Simpson
E. A. Simpson

8(a)

FOR ACTION

REPORT TO: Legislation Committee

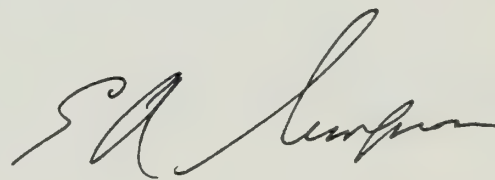
FROM: E. A. Simpson
City Clerk

DATE: 1988 September 09
COMM FILE:
DEPT FILE:

SUBJECT: TAKE BACK THE NIGHT WALK

RECOMMENDATION:

That approval be given to the request of the Sexual Assault Centre, Hamilton and Area to use the City Hall forecourt on Thursday, 1988 September 22 from 7:15 o'clock p.m. to 8:15 o'clock p.m. for the purpose of starting their annual "Take Back the Night" walk with a brief rally.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

For the information of the members of the Committee, the short rally to take place on the City Hall forecourt will be followed by a 1 to 2 mile walk around the downtown area terminating at the Central Library.

8(b)

FOR ACTION

REPORT TO: Legislation Committee

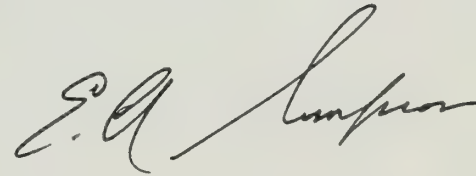
FROM: E. A. Simpson
City Clerk

DATE: 1988 September 09
COMM FILE:
DEPT FILE:

SUBJECT: AEROBITHON - EMERGENCY SHELTER
FOUNDATION OF HAMILTON-WENTWORTH

RECOMMENDATION:

That approval be given to the request of the Emergency Shelter Foundation of Hamilton-Wentworth to use the Second Floor Lobby area of City Hall from 9:00 o'clock a.m. to 4:00 o'clock p.m. on Saturday, 1988 October 15 for their Aerobithon.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approximately \$100.00 for maintenance staff. Funding available in the current Operating Budget.

BACKGROUND:

The Emergency Shelter Foundation of Hamilton-Wentworth is a registered charitable organization which provides "Second Stage" housing for abused women and their children. One of the fund raising events they are planning this year is an Aerobithon.

8(c)

FOR ACTION

REPORT TO: Legislation Committee

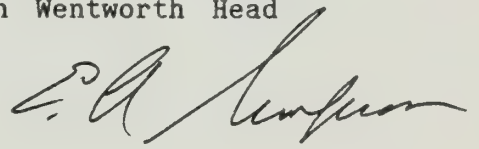
FROM: E. A. Simpson
City Clerk

DATE: 1988 September 09
COMM FILE:
DEPT FILE:

SUBJECT: THE ALLIANCE - HAMILTON LAWYERS' CLUB

RECOMMENDATION:

That approval be given to the request of The Alliance of the Hamilton Lawyers' Club to display a painting in the City Hall foyer entitled "South Gore, Hamilton (circa 1916)" in connection with a fund raising program for the Hamilton Integrated Living Program and the Hamilton Wentworth Head Injuries Association.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The two groups that the executive of the Hamilton Lawyers' Club has chosen this year for donations are the Hamilton Integrated Living Program for those with devastating spinal injuries and the Hamilton Wentworth Head Injuries Association. The Alliance is requesting permission to show the above painting with brochures in the lobby of City Hall in order to assist them in their charitable goal.

8(d)

FOR ACTION

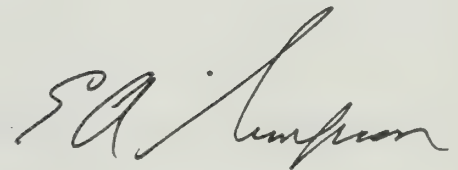
REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 September 09
COMM FILE:
DEPT FILE:

SUBJECT: HAMILTON HOCKEY COUNCIL

RECOMMENDATION:



That approval be given to the request of the Hamilton Hockey Council to use the City Hall Council Chambers on Wednesday, 1988 September 28 at 7:30 o'clock p.m. for their annual general meeting.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

8(e)

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 September 15
COMM FILE:
DEPT FILE:

SUBJECT: FAMILY SERVICES OF HAMILTON-WENTWORTH INC.
AND CATHOLIC FAMILY SERVICES

RECOMMENDATION:

That approval be given to the request of the Family Services of Hamilton-Wentworth and Catholic Family Services who are local sponsors of National Family Week to display some school art work on the theme "What The Family Means To Me" in the City Hall foyer area from Monday, 1988 October 03 to Friday, 1988 October 07.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

John Thompson
for E.A. Simpson

8(6)

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 September 15

COMM FILE:

DEPT FILE:

SUBJECT: CKOC/CKLH-FM

RECOMMENDATION:

That approval be given to the request of CKOC/CKLH-FM to use an area on the second floor of City Hall as a broadcast location for the upcoming Municipal Election.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

8(8)

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 September 15
COMM FILE:
DEPT FILE:

SUBJECT: Institute of Chartered Accountants of Ontario

RECOMMENDATION:

That approval be given to the request of the Institute of Chartered Accountants of Ontario to use the City Hall Council Chambers for a meeting on Monday, 1989 June 12 from 1:00 o'clock p.m. to 3:00 o'clock p.m.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

*John Thompson
for E.A. Simpson*

N/A

BACKGROUND:

ROBERT M. MORROW
MAYOR



9.

1988 September 1

M E M O

TO: Mr. John Thompson, Secretary
Legislation Committee

FROM: Mayor Bob Morrow

RE: Military Regalia Wall at City Hall

On Canadian Armed Forces Appreciation Day Colonel T. K. Quinn, Commander of the Hamilton Militia District, presented to the City a beautiful plaque featuring the regimental crest of 13 local units as listed below.

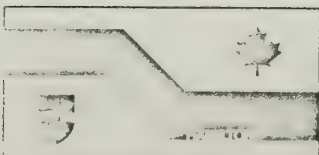
Argyll and Sutherland Highlanders of Canada
Royal Hamilton Light Infantry (Wentworth Regiment)
Lincoln and Welland Regiment
Lorne Scots (Peel, Dufferin and Halton Regiment)
11th Field Artillery Regiment
23 (Hamilton) Service Battalion
23 (Hamilton) Medical Company
705 Communications Squadron
HMCS Star
Central Recruiting Zone
Regular Support Staff Hamilton Militia District
Canadian Forces Base Toronto
Headquarters Hamilton Militia District

I recommend that the Committee approve the installation on the north wall, east of the Mayor's Office, and further that this wall be reserved for military regalia presented to the City.

mm

BM/DC/sp

cc: Alderman Bill McCulloch
Dennis Carson, Executive Assistant



10.

FOR ACTION

REPORT TO: Mr. John Thompson; Secretary
Legislation Committee

FROM: Mayor Robert M. Morrow

DATE: September 13, 1988

COMM FILE:

DEPT FILE:

SUBJECT:

Delegation from Fukuyama, Japan

RECOMMENDATION

That the City host a delegation of 20 representatives of our twin city Fukuyama, Japan including Mayor Mikio Makimoto during their visit from Sunday, October 2nd to Tuesday, October 4th.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

That funding for this event not exceed \$4,600.00 and be charged to Account No. 0373-1003 - Special Civic Receptions & Delegate Hostings

BACKGROUND

Mayor Mikio Makimoto, 3 members of Fukuyama City Assembly, 10 members of the Lions Club, 2 members of the Kaede Kai and business representatives for a total of 20 persons will arrive in Hamilton on the night of October 2, 1988 to be hosted by the Japanese Community and Mundialization Committee.

A full day of activities will be planned by the City for October 3rd. During the visit presentation of the Japan Theme Garden recently approved for McQuestron Park will be made at a Civic Dinner on October 3rd. The delegation will also be visiting various parts of Canada and the United States in accordance with their own arrangements.

cc: Mr. E. Matthews, City Treasurer

ROBERT M. MORROW
MAYOR



September 14th, 1988

MEMO TO: Mr. John Thompson, Secretary
Legislation Committee

FROM: Mayor Bob Morrow

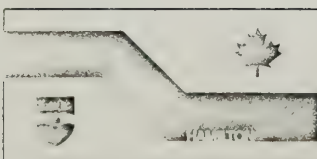
I would appreciate if you would add the following item to the next agenda of the Legislation Committee under my name and Alderman Agro's name.

- invitation to the Duet Club of Hamilton re: Piano and use of City Council Chamber

Thanks.

BM:tt

cc. Alderman Vince Agro



12.

FOR ACTION

REPORT TO: Legislation Committee

FROM: D. W. Vyce
Director of Property

DATE: 1988 September 13
COMM FILE:
DEPT FILE:

SUBJECT:

Policy to Govern and Regulate the Installation of Commemorative Plaques, Memorials, Monuments, Time Capsules and Trees upon City Hall Grounds.

RECOMMENDATION:

- (a) That the installation and location of commemorative plaques, memorials, monuments, time capsules, and trees upon the grounds of City Hall shall be subject to the consideration and recommendation of the Legislation Committee and approval of City Council.
- (b) That each application be considered on its own merits with the view to examining and identifying the impact and importance of significant contributions made to the overall growth and development of the City of Hamilton by the organization or group.
- (c) That the design and quality of materials used in any structure shall be subject to the approval of the Legislation Committee and City Council. The Director of Property shall prepare a report for the Legislation Committee on each application commenting on the aesthetics of the exterior appearance of any structure to ensure that it does not detract from the grounds of City Hall.
- (d) That the cost of materials and labour to supply and install any structure or plant the tree(s) shall be the responsibility of the organization or group.
- (e) That the City will attempt to accommodate the Donor with the choice of the tree(s) where the species is available and where the climate and growing conditions are appropriate for such species.
- (f) That the cost of any replacement plaque etc. as the result of vandalism or theft shall be the responsibility of the organization or group.

- (g) That the wording to be contained on any plaque shall be approved by the Legislation Committee and City Council.
- (h) That an agreement be entered into between the City and the applicant with respect to the actual entry upon City lands, construction of the plaque, monument, memorial, time capsule, or tree planting and its continued presence on the site.
- (i) That the City always retain the right to relocate the plaque, monument, memorial, time capsule or tree to another location in the event the City requires the land for other municipal purposes at the same time in the future.
- (j) That the City Solicitor be directed to prepare an agreement between the City and organization covering the proposal.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

An investigation has been conducted with respect to the policy followed in a number of other Ontario municipalities. The findings indicate that there does not appear to be an official policy regulating the erection of plaques, monuments, memorials or time capsules in and around City Hall.

As a result of the studies carried out, it is recommended that the above policy be adopted.

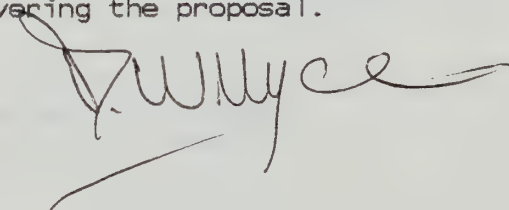
c.c.

L. Sage
Chief Administrative Officer

K. Rouff
City Solicitor

R. Swan, Manager
Property Maintenance

R. Martiniuk, Manager
Architectural Division

A handwritten signature in dark ink, appearing to read 'D. W. Myce', is written over the right side of the page, partially overlapping the list of items and the 'FINANCIAL IMPLICATIONS' section.

13.

FOR ACTION

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 September 14

SUBJECT: Proposed City Hall Smoking Room

RECOMMENDATION:

- (i) That the Director of Property be authorized and directed to undertake improvements to space in the basement level of City Hall at an estimated cost of \$13,860.00 in order to create a smoking room.
- (ii) That the Finance Committee be requested to recommend the method of financing this expenditure.


D. W. Vyce

FINANCIAL IMPLICATIONS:

The Finance Committee at its meeting to be held 1988 September 20 will be considering a report of the Treasurer that the estimated expenditure of \$13,860 be financed from the "Major Repairs and Improvements to City-Owned Properties" reserve account No. 0280-24.

BACKGROUND:

In adopting Item 1 of the Eighth Report of the Legislation Committee, City Council on June 28, 1988 authorized the Director of Property to create a newly designated smoking room in the basement level of City Hall.

Through departmental sharing of space, an area for a smoking room has been created along the most westerly wing of the basement in the vicinity of the service elevator which travels between the basement and the second floor through the Systems Department.

A consultant familiar with City Hall, was retained to study the air handling system as it pertains to the room to be used as a smoking area for as you are aware, it is vital that the room be properly vented to the outside atmosphere.

Our Property Maintenance Division, together with the consultant have developed an estimate of the costs involved in creating the smoking room. It is estimated that \$13,860.00 will be required to properly change the use of space, from its current use as storage to space to be used as a smoking room.

BACKGROUND - Continued...

The costs includes exterior ventilation and "thru-wall hookup", interior mechanical and electrical alterations to systems, interior decorating, floor finish, lighting improvements and door closer.

The above expenses will simply create a room with a fresh coat of paint, a tile floor and with no finished ceiling, but more importantly it will be functional and comfortable for the users from an air quality point of view.

c.c. - Mr. L. Sage, Chief Administrative Officer

- Mr. E.A. Simpson, City Clerk

- Mr. S.J. Dembe, Manager, Licencing Division

- Mr. R. Swan, Manager, Property Maintenance Division

- Mr. E.C. Matthews, City Treasurer

14.

FOR ACTION

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. E. C. Matthews
Treasurer

DATE: 1988 September 14
COMM FILE:
DEPT FILE:

SUBJECT: LEGISLATIVE SUPPORT SERVICES COST

RECOMMENDATION:

That the proposal to share City of Hamilton Legislative Support Services Costs with the Regional Municipality of Hamilton-Wentworth not be proceeded with at this time.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The City of Hamilton and all other area municipalities within the Region would retain the responsibility for their legislative support services costs as is presently the case.

BACKGROUND:

Origin

During the 1988 current budget deliberations, a proposal was brought forward to investigate the feasibility of having the Region share in the support costs of Regional councillors in the City of Hamilton. Area municipalities were asked to comment on the proposal. A report by the Region was presented to the City's Legislation Committee and subsequently forwarded to the City Treasurer for consideration and comment.

Analysis

The Region's report set out several alternative methods of allocating costs based on the City's estimate of expenses of the mayor and the City aldermen acting in their capacity of Regional councillors.

It would appear that cost apportionment would be too difficult to define and for this reason I am recommending that the City not proceed with the implementation of this proposal at this time.

THE CORPORATION OF THE
CITY OF WINDSOR

THOMAS W. LYND, A.M.C.T.
CITY CLERK



RECEIVED

AUG 23 1988

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

PHONE: (319) 255-6212
255-6215

CITY CLERKS
OFFICE OF THE CLERK
IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

August 17, 1988

TO: All Members bordering the St. Lawrence Seaway System

The following resolution was passed by the Council of the Corporation of the City of Windsor at its regular meeting of July 18, 1988:

"Whereas the United States Corporation of Engineers have mentioned the diversion of Great Lakes' water into the Mississippi River System thus lowering the water level of all Great Lakes;

Whereas the City of Windsor and its seaway port would be affected by any drop in its water level and therefore the economy of Windsor would be jeopardized and other ports of the Great Lakes and the St. Lawrence would be similarly affected;

Therefore the City of Windsor is in opposition to any diversion of the Great Lakes' waters to the Mississippi River System; and a copy of this resolution be circulated to the Federal and Provincial Governments and other Canadian Municipalities bordering the St. Lawrence Seaway System."

Windsor City Council hereby requests your endorsation of the above resolution.

Yours very truly

Thomas Lynd
City Clerk

BA/kz

16.

Corporation of the City of Hamilton
Memorandum

TO: Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:
PHONE: 526-2729

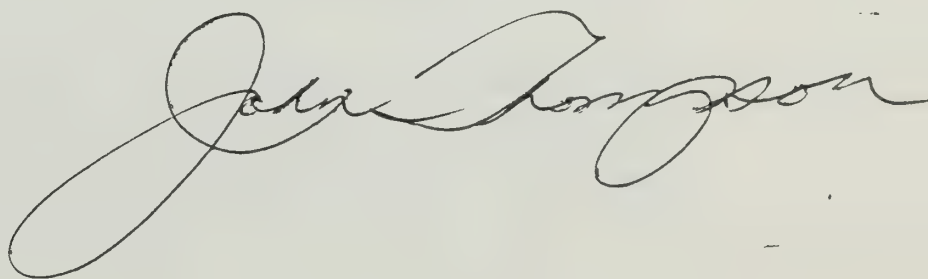
SUBJECT: CITY OF CHATHAM RESOLUTION

DATE: 1988 September 13

At its meeting held 1988 May 02, the Legislation Committee considered the attached resolution from the City of Chatham in which the Minister of National Health and Welfare is being petitioned to enact Legislation requiring that all food sold in fast food outlets, restaurants and catering services contain labels listing all ingredients contained in the food being offered for sale which had been forwarded to the City of Hamilton for endorsement and support.

While the Committee was prepared to support the intent of the resolution, direction was given to table the resolution for further information in light of a Bill which had been or was about to be introduced in Parliament regarding ingredient disclosure in prepared food.

In this regard, attached are copies of letters from the Minister of National Health and Welfare dated 1988 June 08 and the Minister of Consumer and Corporate Affairs dated 1988 July 19.



JT:mjw

Attachments

CITY OF CHATHAM

RESOLUTION NUMBER 88-4 -

WHEREAS the Federal Government, as represented by The Minister of National Health and Welfare, is responsible for recommending legislation for the proper disclosure of ingredients contained in packaged and/or prepared foods sold in Canada.

AND WHEREAS many persons have died of Anaphylactic Shock caused by their unknowingly eating food which contained ingredients to which they were allergic.

AND WHEREAS it is desirable to protect the public against such dangers and to reduce the number of deaths caused by Anaphylactic Shock.

BE IT THEREFORE RESOLVED by The Municipal Council of The Corporation of the City of Chatham as follows:

That the Honourable Jake Epp, Minister of National Health and Welfare be petitioned to use his good offices to convince his colleagues in caucus that legislation should be enacted requiring that all food sold in fast food outlets, restaurants and catering services contain labels listing all ingredients contained in the food being offered for sale.

AND FURTHER that this Resolution be circulated to Ontario municipalities with a population of 10,000 or more requesting that they forward their notification of support to the Minister of National Health and Welfare and local Members of Parliament.

MOVED BY: ALDERMAN SULMAN

SECONDED BY: ALDERMAN ARBOUR



OTTAWA, K1A 0K9

8 VI 1988

Mr. John Thompson
Secretary
Legislation Committee
The Corporation of the
City of Hamilton
City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Dear Mr. Thompson:

Thank you for your letter of May 9, 1988, on behalf of the Legislation Committee for the City of Hamilton, concerning food allergies and the labelling of foods sold in food service establishments.

As administration of regulations pertaining to the labelling of food falls under the purview of the Department of Consumer and Corporate Affairs, I have taken the liberty of forwarding a copy of your letter to my colleague, the Honourable Harvie Andre, Minister of Consumer and Corporate Affairs, for his consideration.

I understand the difficulties sensitive individuals can have in avoiding specific food allergens especially in food service establishments where ingredient labelling does not apply. The complete disclosure of ingredients in such establishments does have merit and officials of my Department, the Department of Consumer and Corporate Affairs, the Canadian Restaurant and Foodservices Association, and the Allergy Information Association are currently discussing this issue. A number of strategies are being pursued including the feasibility of extending labelling requirements and the availability of pamphlets disclosing ingredients.

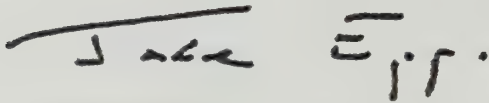
... 2

Page 2
Mr. John Thompson

In closing, please be assured that my Department is concerned about allergic and adverse reactions to food and food ingredients, and will continue to seek avenues to minimize the risk to sensitive individuals. The very complexity of this issue serves to enhance our determination to search for an answer to these problems.

I trust that these comments will be of some assistance to you.

Yours truly,

A handwritten signature in dark ink, appearing to read "Jake Epp". The signature is written in a cursive, somewhat stylized manner with a horizontal line above the first part of the name.

Jake Epp

cc: The Honourable Harvie Andre, P.C., M.P.
Minister of Consumer and Corporate Affairs



JUL 19 1988

Mr. John Thompson
Secretary
Legislation Committee
The Corporation of the
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

JUL 13 1988

Dear Mr. Thompson:

The Honourable Jake Epp has forwarded to me, for reply, a copy of your letter of May 9, 1988, in support of the resolution of the City of Chatham, concerning food allergies and the ingredient labelling of foods sold in food service establishments.

While my Department is responsible for the application of regulations concerning the labelling of food in general, Health and Welfare Canada has the lead role in developing regulatory proposals which have the prime purpose of protecting the health and safety of consumers. The development of such regulations is an extensive process and involves consultations with my Department, Agriculture Canada and organizations such as the Allergy Information Association. I can assure you that discussions on this concern are ongoing.

As you may know, current regulations under the Food and Drugs Act require the disclosure of a list of ingredients on most prepackaged foods. However, because of cost and technical difficulties, certain foods have been exempted from this requirement, and the regulations do not require a complete and detailed listing of all their ingredients or components. Although the current labelling regulations for prepackaged foods were developed with the assistance of allergists in the mid-1970's, the system was not designed nor intended to reveal the presence of all possible allergens which might be contained in a given finished food. To do so would require major changes to the present labelling system with attendant costs being passed on to consumers, manufacturers and retailers.

.../2

Requiring that an ingredient listing be shown on foods sold in food service establishments may appear to be a possible solution; however, this approach would present significant technical problems. As in the case of prepackaged foods, it would likely prove to be equally unreliable in protecting consumers from allergic reactions. For this reason, a number of possible approaches need to be considered and could include making more readily available to consumers written information on ingredients present in restaurant foods.

I am concerned about this matter and will be giving my full support to Health and Welfare Canada in its conduct of further studies to analyze the situation and determine possible courses of action to address this problem.

I appreciate your bringing these concerns to the Government's attention.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Harvie Andre". The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Harvie Andre

FOR ACTION

REPORT TO: Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

DATE: 1988 September 09
COMM FILE:
DEPT FILE:

SUBJECT: CIVIC AWARDS - HAMILTON AMATEUR WRESTLING CLUB

RECOMMENDATION:

That civic awards be made to the members of the Hamilton Amateur Wrestling Club who recently won the Canadian Junior and Senior Championships in various classes as outlined in a letter from the President of the Club dated 1988 July 12.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approximately \$1 080. for civic gold rings and diamond inserts. Funding available from within 1988 current operating budget.

BACKGROUND:

18.

FOR ACTION

REPORT TO: Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

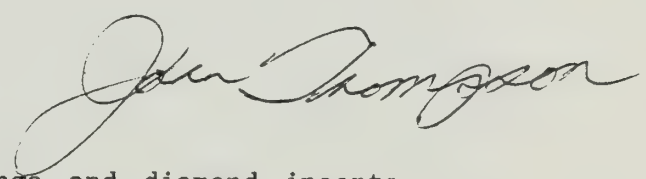
DATE: 1988 September 09
COMM FILE:
DEPT FILE:

SUBJECT: CIVIC AWARDS - HAMILTON TRANSWAY
BASKETBALL TEAMS

RECOMMENDATION:

That civic awards be made to the members of the Hamilton Transway Mini, Bantam and Premier Girls Basketball teams in recognition of winning the Provincial and International Basketball Championships.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)



Approximately \$1 000. for pins, rings and diamond inserts.
Funding available within the 1988 current operating budget.

BACKGROUND:

During the weekend of 1988 April 23 in Hamilton, the Hamilton Transway Mini, Bantam and Premier Girls Basketball teams won 3 All Ontario Provincial Championships.

On the weekend of April 10, the Bantam Team won the Brookwood International Tournament in Quebec.

19. **TRANSPORT 2000 ONTARIO**

PO Box 6418, Station A
Toronto, Ontario M5W 1X3

To: Communities as in Table of Addresses

Toronto/Ottawa Overnight Train Service

Honourable Sirs:

Transport 2000 has learned that there is the very real possibility that VIA RAIL will petition the National Transportation Agency for permission to terminate the overnight Ottawa/Toronto train service in late October. This is known as trains 48 and 49 and they are conveyed in Montreal/Toronto trains 58 & 59 between Toronto and Brockville.

In a similar situation a few years ago the intention to withdraw service was abandoned by VIA. This was partly because of community intervention at the time.

Your community's interests may not be well served by a new decision to drop this service. Even though you may be located west of Toronto, the connections to this train and routes from Sarnia and Windsor are fairly time efficient. From Hamilton - Niagara the Toronto layover time is greater.

If your community has real concerns about losing this service, then Transport 2000 suggest it present its views to:

Suzanne L. Clement
Secretary
National Transportation Agency
Ottawa, Ontario
K1A 0N9

Also a copy to VIA RAIL would be appropriate. T2000 suggests:

Mr. J. Allen
Legal Services
VIA Rail Canada Inc.
2 Place Ville Marie
Montreal, Quebec
H3B 2G6

Transport 2000 Ontario is a volunteer consumer advocacy organization. It is concerned that policy rulings are made equitably and adequately and with a view to social and economic impact, for all forms of transport.

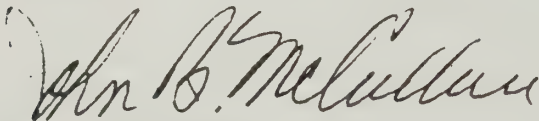
In this case, the view of Transport 2000 is as follows:

- 1) There may be a case for termination on the basis of declining ridership trend. However, this must be viewed in the light of there being no case for having even modestly promoted the service.
- 2) This is the only train service into Ottawa from Toronto (or vice versa) that arrives in time for a full business day. There may be plans for an additional day train (to total 4) to at least sustain the volume of seats on the route but it seems unlikely it would result in any roughly comparable arrival.
- 3) This is a public preference; however small or large, for train service between urban centres. Some people cannot abide flying, some dislike crowded roads, some just simply prefer the train or are handicapped and find the train the only viable way to travel.
- 4) For workers and business travellers, night travel maybe the only practical option to serve their needs.
- 5) An alternative route for overnight Montreal - Toronto trains to travel via Ottawa (and which found favour in a major VIA general study several years ago) deserves to be explored in this context.

Transport 2000 does not advocate perpetuation of large operating deficits at VIA RAIL. It does advocate public consciousness and patronage of an excellent service. Such patronage is the only real signal for the National Transportation Agency and for VIA RAIL to use to judge the future of VIA services.

If you decide to lodge a statement of argument to support retaining (or terminating) this service, it should be accompanied by a request that NTA hear this in a public hearing. Also, T2000 would appreciate receiving a copy of your communication.

Sincerely,



John B. McCullum,
President

JBM:jp

EXTRACTS FROM VIA TIMETABLE (5/1/88)

To Ottawa/Return

From Windsor

Train #78

Lv. Windsor	18:45
Lv. Chatham	19:36
Lv. Glencoe	20:07
Lv. London	20:50
Lv. Ingersoll	21:11
Lv. Woodstock	21:23
Lv. Brantford	21:57
Lv. Burlington	22:28
Lv. Oakville	22:38
Arr. Toronto	23:05

From Sarnia

Train #88

Lv. Sarnia	19:15
Lv. Strathroy	19:53
Lv. London	20:20
Lv. Brantford	21:10
Lv. Oakville	21:49
Arr. Toronto	22:15

From Niagara Falls

Train #98

Lv. N. Falls	18:15
Lv. St. Catharines	18:35
Lv. Grimsby	18:52
Lv. Hamilton	19:18
Lv. Burlington	19:30
Lv. Oakville	19:41
Arr. Toronto	20:10

From Toronto

Train #48/58

Lv. Toronto	23:35
Lv. Guildwood	23:59
Lv. Oshawa	00:23
Lv. Pt. Hope	01:01
Lv. Cobourg	01:13
Lv. Belleville	02:06
Lv. Kingston	03:02
Lv. Brockville	04:55
Lv. Smiths Falls	05:28
Arr. Ottawa	06:20

From Ottawa

Train #49/59

Lv. Ottawa	23:59
Lv. Smiths Falls	00:50
Lv. Brockville	03:25
Lv. Kingston	03:55
Lv. Belleville	05:00
Lv. Cobourg	05:45
Lv. Pt. Hope	05:58
Lv. Oshawa	06:38
Lv. Guildwood	07:05
Arr. Toronto	07:30

To Windsor

Lv. Toronto	09:00
Arr. Oakville	09:23
Arr. Burlington	
Arr. Dundas	
Arr. Brantford	10:08
Arr. Woodstock	
Arr. Ingersoll	
Arr. London	11:08
Arr. Glencoe	11:47
Arr. Chatham	11:20
Arr. Windsor	13:10

To Sarnia

Lv. Toronto	08:25
Arr. Oakville	08:48
Arr. Burlington	09:00
Arr. Dundas	09:13
Arr. Brantford	09:33
Arr. Woodstock	09:58
Arr. Ingersoll	10:08
Arr. London	10:30
Arr. Strathroy	10:54
Arr. Sarnia	11:35

To Niagara Falls

Lv. Toronto	09:40
Arr. Oakville	10:03
Arr. Burlington	10:14
Arr. Hamilton	10:27
Arr. Grimsby	10:51
Arr. St. Catharines	11:09
Arr. N. Falls	11:35

Also connections to Brampton, Guelph, Kitchener, Stratford and St. Mary's

Train times may vary on weekends

SEP 1 1988

TABLE OF ADDRESSES

To: Mayor (Reeve) & Council, City of (Town of):
and c.c. to City (Town) Clerk

Windsor, Ontario

Toronto, Ontario

Chatham, Ontario

Oshawa, Ontario

Glencoe, Ontario

Pt. Hope, Ontario

London, Ontario

Cobourg, Ontario

Sarnia, Ontario

Belleville, Ontario

Strathroy, Ontario

Kingston, Ontario

Ingersoll, Ontario

Brockville, Ontario

Woodstock, Ontario

Smiths Falls, Ontario

Brantford, Ontario

Ottawa, Ontario

Niagara Falls, Ontario

Brampton, Ontario

St. Catharines, Ontario

Guelph, Ontario

Grimsby, Ontario

Kitchener, Ontario

✓ Hamilton, Ontario

Stratford, Ontario

Burlington, Ontario

St. Mary's, Ontario

Oakville, Ontario

20.

Corporation of the City of Hamilton

Memorandum

TO: Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:
PHONE: 526-2729

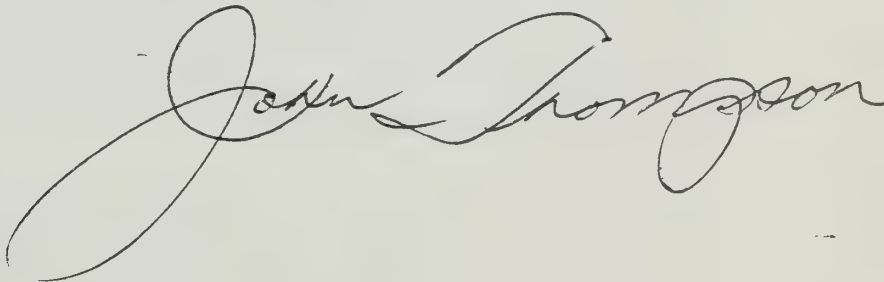
SUBJECT: AMNESTY INTERNATIONAL

DATE: 1988 September 14

At its meeting held 1988 May 02, the Legislation Committee tabled the attached letter from Alderman George Brown of Ottawa dealing with a "Political Network" of Amnesty International pending receipt of additional information on the organization.

In this regard, I have distributed with the agenda, under separate cover, a general information package on Amnesty International which provides a good summary of their activities and how one may get involved.

This matter is now before the Committee for final disposition.



JT:mjw

Attachment



City of
Ville d'Ottawa

cc Council Members

Mr. John Thompson, Secretary - Legislation Committee)

APR 15 1988

Office of the Alderman
Riverside Ward

)from Mayor Bob Morrow

April 18th, 1988

Bureau de l'échevin
quartier Riverside

111 Sussex Drive
Ottawa, Ontario K1N 5A1
(613) 564-1296

111, promenade Sussex
Ottawa (Ontario) K1N 5A1
(613) 564-1296

8(a)

1988 April 11

Mayor Robert M. Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario -
L8N 3T4

Dear Mayor Morrow,

You were one of the municipal leaders who responded to my letter concerning the establishment of a "Politicians Network" of Amnesty International. As noted in my earlier letter, a "Politicians Network" would consist of elected officials from all three levels of government, and all sectors of the political sphere on a Canada-wide basis. The Network would be an effective voice for promoting human rights around the world. It would educate elected officials on the importance of promoting human rights; it would be effective in that letters from elected officials are likely to be taken very seriously by government officials; and it is an important symbol and example to constituents, which may encourage others to make a commitment to promoting human rights.

This letter is to bring you up to date on our efforts to establish a "Politicians Network" of Amnesty International. I have been in contact with Darlene Patton, the staff person at Amnesty International responsible for Networks and Target Sectors. Darlene has been very supportive of our concept and put me in touch with another group who have been trying to establish a "Parliamentary Group" in Ottawa. It may be possible that the two groups could work together in establishing the "Politicians Network". Darlene has advised me that the Executive Committee of Amnesty International will be discussing this idea in the near future. In the meantime, there are several things you could do now to promote human rights in your own municipality:

1. If you haven't already done so, please join Amnesty International and begin writing letters on behalf of prisoners of conscience around the world.
2. Mention Amnesty International and the proposed "Politicians Network" to your municipal colleagues and your local MPs, MPPS.
3. Become actively involved in Amnesty International's 1988 "Human Rights Now" Campaign. Information on this campaign is available from:

Amnesty International
130 Slater Street, Suite 800
Ottawa, Ontario
K1P 6E2

I was successful in convincing the Regional Municipality of Ottawa-Carleton to pass a resolution supporting the "Human Rights Now" Campaign, and the Region has forwarded this resolution to the Annual Meeting of the Federation of Canadian Municipalities for consideration. Your support of the motion at the June Conference would be very helpful.

The establishment of a "Politicians Network" is taking longer than I anticipated, but I am excited by its possibilities. All who strive in their own way for the rights of others know that it is a long process, but one that must continue.

For your information, I am enclosing a copy of an interesting interview with a human rights activist in Uruguay, along with a copy of the resolution supporting the "Human Rights Now" Campaign.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'George Brown', with a stylized, flowing script.

George Brown
Alderman - Riverside Ward

Encs.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

FROM:
George Brown
Councillor - Riverside Ward

DATE:
1988 February 24

SUBJECT:
Motion

WHEREAS all human beings are born free and equal in dignity and rights, and this is the historic promise of the universal Declaration of Human Rights proclaimed by governments of the United Nations 40 years ago; and

WHEREAS in many countries even the right to speak out in defence of human rights is being crushed, and thousands of people have been jailed and tortured for demanding and exercising their rights; and

WHEREAS Amnesty International, the recipient of the 1977 Nobel Peace Prize, has launched a "Human Rights Now Campaign" to celebrate the 40th anniversary of the adoption by the United Nations of the universal Declaration of Human Rights; and

WHEREAS the aims of the "Human Rights Now Campaign" are to raise the level of awareness around the world about the rights that every person should enjoy, to demonstrate that everyone can be involved in demanding that governments respect those rights, to focus attention on those human rights activists who become victims of human rights abuses, and to encourage every government to strengthen its domestic and international protection of human rights;

THEREFORE BE IT RESOLVED that the Regional Municipality of Ottawa-Carleton endorse the "Human Rights Now Campaign"; and

THEREFORE BE IT FURTHER RESOLVED THAT the Regional Municipality of Ottawa-Carleton request the Federation of Canadian Municipalities to endorse the "Human Rights Now Campaign" at their Annual Meeting in June, and urge member municipalities to do the same.

Amnesty International is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the release of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed "prisoners of conscience".
- It advocates fair and early trials for all political prisoners and works on behalf of such persons detained without charge or without trial.
- It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

FOR ACTION

REPORT TO: Mr. J. D. Thompson, Secretary,
Legislation Committee

FROM: K. A. Rouff, City Solicitor

DATE: 1988 August 24

COMM FILE:

DEPT FILE: 40-1.0

SUBJECT:

Amendment to Health By-law No. 4798 - Noise.

RECOMMENDATION

That the attached draft by-law be enacted by City Council.

P. R. A. Hooker

for K.A. Rouff, City Solicitor

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

With the adoption of Section 3 of the 9th Report of the Legislation Committee, City Council at its meeting held on July 26, 1988 directed the City Solicitor to prepare the necessary by-law to amend Health By-law No. 4798. Please note that this by-law requires Ontario Municipal Board approval before it can come into effect.

c.c. Dr. I. Cunningham,
Chief Medical Officer of Health
Attn: Mr. J. Ford

c.c. Alderman J. Gallagher

The Corporation of the City of Hamilton

BY-LAW NO. 88-

To Amend:

HEALTH BY-LAW NO. 4798

Respecting:

NOISE

WHEREAS By-law No. 4798, being the Health By-law, was passed by the Council of The Corporation of the City of Hamilton on the 29th day of September, 1936, and confirmed by the City of Hamilton Act, 1937, S.O. 1937, c. 91;

AND WHEREAS the City of Hamilton Act, S.O. 1951, c. 103, as amended by the City of Hamilton Act, 1964, c. 130, provides as follows:

1. (1) The Council of The Corporation of the City of Hamilton may pass by-laws,
 - (a) for amending and revising from time to time By-law No. 4798, and
 - (b) for regulating, in any such amending or revising of said By-law No. 4798, all matters relating to the design, erection, alteration, demolition, removal, maintenance, and use of buildings and structures and the use of land, and the design, construction, installation, alteration, maintenance and use of all equipment, facilities, matters and things, for the better protection of persons from conditions that may be or become injurious to health;
- (6) No part of any by-law passed under this section shall come into force without the approval of the Ontario Municipal Board, and such approval may be for a limited period of time only, and the Board may extend such period from time to time upon application made to it for such purpose.

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting section 3 of the 9th Report of the Legislation Committee, at its meeting held on the 26th day of July 1988, directed that Health By-law No. 4798 be amended as hereinafter provided.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(b)(ix) of section 707 of By-law No. 4798 is amended by deleting the words "the neighbourhood" from the fourth line, and substituting in lieu thereof the words "a neighbour".

2. In all other respects, subsection 2 of section 707 of By-law No. 4798 is confirmed, unchanged.

3. The City Solicitor is hereby authorized and directed to make application to the Ontario Municipal Board for approval of this by-law.

4. This by-law comes into effect on the date of its approval by the Ontario Municipal Board.

PASSED this day of A.D. 1988.

City Clerk

Mayor

(1988) 9 R.L.C. 3, July 26

A4 ON HBL A05
CSIL2

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 September 29

NOTICE OF MEETING

Legislation Committee
Monday, 1988 October 03
10:00 o'clock a.m.
Room 233, City Hall

A large, stylized handwritten signature of John Thompson.

John Thompson, Secretary
Legislation Committee

JT:mjw

A G E N D A

1. Attendance Records for Special Meetings, Alderman P. Cowell
2. Notice of Motion of Alderman V. J. Agro Regarding
Transfer of Executive Committee's Duties to
Finance Committee
3. Code of Conduct for the members of Hamilton City Council,
Alderman T. Cooke (Report to Follow)
4. Hamilton Farmers' Market Sub-Committee
 - (a) Market Days During the 1988 Christmas Holidays
 - (b) Market Fees for 1989
5. H.S.P.C.A. - 1989 Dog Licence Fees

6. Resolution

City of Toronto - Free Trade Agreement

7. City Hall Facilities

(a) Annual Children's Christmas Party, Local 167

(b) United Way

8. Civic Awards

(a) Leander Boat Club

(b) Hamilton Residents of the
Ontario Basketball Provincial Team Program

NEW BUSINESS

ADJOURNMENT

F O R A C T I O N

REPORT TO: Legislation Committee

FROM: John Thompson, Secretary
Finance Committee

DATE: 1988 September 13
COMM FILE:
DEPT FILE:

SUBJECT: ATTENDANCE RECORDS FOR SPECIAL MEETINGS

RECOMMENDATION:

That the Legislation Committee be requested to review the entire matter of recording the attendance of Council members at special meetings.

A large, stylized handwritten signature in dark ink, which appears to read "John Thompson". The signature is written in a cursive style with a large loop at the beginning.

BACKGROUND:

At its meeting held 1988 June 21, Alderman Paul Cowell submitted that the attendance records of members of City Council should not be affected if he or she is unable to attend special meetings due to prior commitments and subsequently requested that this matter be reviewed by the Legislation Committee.

2.

Corporation of the City of Hamilton

Memorandum

TO: Legislation Committee

YOUR FILE:

FROM: Mr. E. A. Simpson
City Clerk

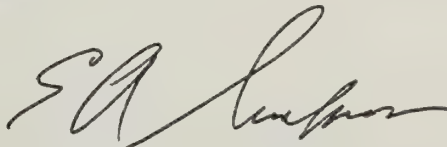
OUR FILE:
PHONE: 526-2729

SUBJECT: TRANSFER OF EXECUTIVE COMMITTEE'S DUTIES

DATE: 1988 September 13

At its meeting held 1988 August 30, City Council directed that the following Notice of Motion of Alderman Agro, relative to the transfer of the Executive Committee duties to the Finance Committee be referred to the Legislation Committee for study:

- (a) That, in keeping with the strong Committee system, and on the basis that each Ward be represented on all Standing Committees, the Finance Committee assume all of the duties and responsibilities of the Executive Committee.
- (b) That the Mayor, by virtue of his office, be Chairman of the Finance Committee.
- (c) That the Vice-Chairman of the Finance Committee be appointed by City Council.
- (d) That this change be effective December 1988.
- (e) That the City of Hamilton Procedural By-law 82-203 be amended to reflect this change.



JT:mjw

4(a)

FOR ACTION

REPORT TO: Mr. J. Thompson
Secretary, Legislation Committee

FROM: Mrs. S. Glover, Secretary
Farmers' Market Sub-Committee

DATE: 1988 September 26

COMM FILE:

DEPT FILE:

SUBJECT: Christmas Market Days

RECOMMENDATION:

That the Market Days during the 1988 Christmas holidays be scheduled as follows:

Christmas Week

Tuesday, December 20, 1988
Thursday, December 22, 1988
Friday, December 23, 1988
Saturday, December 24, 1988

New Year's Week

Tuesday, December 27, 1988
Thursday, December 29, 1988
Friday, December 30, 1988
Saturday, December 31, 1988

Stella Glover, Secretary

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In accordance with By-law 81-180, "Market Day" means any Tuesday, Thursday or Saturday which is not a holiday, and when any Tuesday, Thursday or Saturday is a holiday, then the day before it, and includes any other day which may from time to time be designated by the City Council as a Market Day.

SG/jc

466)

FOR ACTION

REPORT TO: Mr. J. Thompson
Secretary, Legislation Committee

FROM: Mrs. S. Glover, Secretary
Farmers' Market Sub-Committee

DATE: 1988 September 26

COMM FILE:

DEPT FILE:

SUBJECT: Hamilton Farmers' Market Fees for 1989

RECOMMENDATION:

The Farmers' Market Sub-Committee respectfully recommends:

1. That the Hamilton Farmers' Market Fees be increased by four (4%) per cent in accordance with Schedule "B" attached hereto.
2. That the City Solicitor be directed to prepare an amendment to By-law 81-180 "to regulate the Hamilton Farmers' Market" to reflect this increase.

Stella Glover, Secretary

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The increase will generate an additional \$14,680.00 in revenue.

BACKGROUND:

The recommended increase is in keeping with inflationary rates for 1989. will

SG/jc

SCHEDULE "B"

To

(Section 7)

By-law No. 87-

PART 1: PRODUCERS AND DEALERS' FEES

Stand Number	Location	Amount of Producers' and Dealers Fees	
		Per Month	Per Day
1 to 8	(Refrigeration Units)	\$ 240.00	\$ N/A
12 to 18	(Refrigeration Units)	240.00	N/A
22	(Refrigeration Units)	240.00	N/A
9, 10, 11	(Refrigeration Units)	200.50	N/A
19, 20, 21	(Refrigeration Units)	200.50	N/A
23 to 46	Ramp	140.00	22.00
47 to 62a	North Wall - Main Floor	140.00	22.00
63 to 70	West Wall - Main Floor	140.00	22.00
71 to 95	South Wall - Main Floor & In ramp	140.00	22.00
96 to 100	Loading Docks (from 7:30 a.m. - 4:00p.m.	140.00	22.00
101 to 111	East Wall - Main Floor	140.00	22.00
112 to 143	Stands in Middle (North Side) from east to west	140.00	22.00
144 to 175	Stands in Middle (South Side) from west to east	140.00	22.00
30a, 36a, 37a, 46a		74.50	10.50
70a, 72a		59.25	10.50
92		197.00	22.00
176	Coffee Shop Stand	280.00	N/A

FOR ACTION

5.

REPORT TO: Legislation Committee
 Corporation of the City of Hamilton
 ATTENTION: John Thompson, Secretary

FROM: R. Morrison
 OPERATIONS MANAGER, H.S.P.C.A.

SUBJECT: 1989 Dog Licence Fees

RECOMMENDATION:

That; City of Hamilton By-Law 85-148, Schedule "A" be amended to read:

1. One spayed or neutered dog \$15.00
2. Each additional spayed or neutered dog \$15.00
3. One not spayed or neutered dog \$32.00
4. Each additional not spayed or neutered dog \$32.00

FINANCIAL IMPLICATIONS:

New licence fees will generate an additional 3% in revenue or approximately \$9 000.

BACKGROUND:

Existing price for an unneutered dog is \$30.00, \$37.50 for the second unneutered dog. This is to set one price for unneutered dog to facilitate the computerized licence renewal process.

R. Morrison



Department of the City Clerk

City Hall, Toronto, Ontario, Canada M5H 2N2

Roy V. Henderson / City Clerk

Barbara Caplan / Deputy City Clerk

Refer to: 88edc 4:119

August 26, 1988

6.
RECEIVED

8-26 1988

CITY CLERKS

To: All Canadian Municipalities with
a Population of Over 50,000

City Council, at its meeting on August 8 and 18, 1988, adopted the following resolution as contained in the attached Clause 1 of Executive Committee Report No. 28 entitled "Canada/U.S. Free Trade Agreement":

"Whereas given that the Free Trade Agreement will negatively and overwhelmingly change the social, cultural, and economic nature of Canada;

Therefore be it resolved:

1. That City Council indicate to the Federal Government its opposition to the Free Trade Agreement as presently drafted;
2. That City Council respectfully but strongly request that a national opinion be sought on this matter through an election;
3. That the Honourable John Turner, Leader of the Liberal Party; and the Honourable Ed Broadbent, Leader of the New Democratic Party be so advised; and
4. That this resolution be circulated to all Canadian Municipalities with a population of over 50,000 for possible endorsement."

Council's action is forwarded to you for endorsement of Resolutions 1, 2 and 3.

Yours truly,

Roy V. Henderson
City Clerk

LC/df
LC

Encl.

CITY OF TORONTO
DEPARTMENT OF THE
CITY CLERK

CLAUSE EMBODIED IN REPORT NO. 28 OF THE
EXECUTIVE COMMITTEE WHICH WAS
ADOPTED BY CITY COUNCIL AT ITS MEETING
HELD ON AUGUST 8, 1988

.....

1

CANADA/U.S. FREE TRADE AGREEMENT

At its meeting held on July 11 and 15, 1988, City Council referred Clause 7 of Executive Committee Report No. 22 back to the Executive Committee for resubmission to City Council on August 8, 1988, to be considered as the first or second item of business.

This matter was previously submitted to Council on June 13, 1988, as contained in Clause 1 of Economic Development Committee Report No. 6. This Clause was not dealt with by Council and therefore was resubmitted to Council for its meeting on July 11, 1988.

During consideration of this matter on July 11 and 15, 1988, City Council also had before it the following report (July 8, 1988) from the Commissioner of Planning and Development:

Origin: Economic Development Committee, May 26, 1988 (c71cncl88094:24)

Comments: This issue is to be considered by Council at its July 11 meeting (Clause 7, Executive Committee Report No. 22).

The Economic Development Committee requested that I submit a brief supporting Council's position to the July 11 meeting of Council. At the time of that request, however, it was contemplated that Council would already have adopted its policy position at one of its June meetings. The brief would then expand on the considerations underlying the Council position.

Since the issue has been deferred, however, it appears appropriate to delay drafting the brief until Council's policy is known. If that is done at the July 11 meeting I will undertake to prepare a brief for consideration by Council at its August 8 meeting.

During consideration of this matter on June 13 and 17, 1988, City Council also had before it the following material which is appended at the end of the Clause:

- *Executive Summary from the Government of Ontario Background Paper dated May, 1988, on "The Question of Secure U.S. Market Access in the Canada-U.S. Free Trade Agreement".*
- *Communication (June 17, 1988) addressed to Alderman Martin from Steven Pozel, Director, Mercer Union, A Centre for Contemporary Visual Art.*

The Executive Committee resubmits Clause 1 of Report No. 6 of the Economic Development Committee:

The Economic Development Committee recommends the adoption of the following resolution:

Whereas given that the Free Trade Agreement will negatively and overwhelmingly change the social, cultural, and economic nature of Canada;

Therefore be it resolved:

1. That City Council indicate to the Federal Government its opposition to the Free Trade Agreement as presently drafted;
2. That City Council respectfully but strongly request that a national opinion be sought on this matter through an election;
3. That the Honourable John Turner, Leader of the Liberal Party; and the Honourable Ed Broadbent, Leader of the New Democratic Party be so advised; and
4. That this resolution be circulated to all Canadian Municipalities with a population of over 50,000 for possible endorsement.

The Economic Development Committee advises that it has requested the Commissioner of Planning and Development to prepare a submission for Council's consideration at its meeting to be held on July 11, 1988, providing written and documented support for its recommendations, based on the submissions received at the Public Meeting.

The Economic Development Committee also advises that a Public Meeting was held on May 26, 1988, to hear depositions regarding the Canada/U.S. Free Trade Agreement, notice of which was advertised in the three local newspapers.

The Economic Development Committee had before it the following report and communications and advises having received same:

- *(May 25, 1988) from the Commissioner of Planning and Development;*
- *(February 17, 1988) from the Chairman, Fashion Industry Liaison Committee forwarding a resolution regarding the foregoing;*
- *(February 4, 1988) from the Hon. Pat Carney, former Minister for International Trade regarding the foregoing;*
- *May 25, 1988) from Russell B. Smith regarding the foregoing.*

The following persons addressed the Economic Development Committee in opposition to the Canada/U.S. Free Trade Agreement:

1. *Mr. Chris Kuzik, Executive Director, on behalf of Toronto Dress and Sportswear Manufacturers Guild, and the Fashion Industry Liaison Committee.*
2. *Mr. Bill Reno on behalf of United Food and Commercial Workers and the Ontario Council; who filed a submission.*
3. *Mr. Gordon Vala-Webb on behalf of Amalgamated Clothing and Textile Workers Union, who filed a submission.*
4. *Councillor Layton.*
5. *Mr. Steven Shrybman, on behalf of the Canadian Environmental Law Association, who filed a submission.*
6. *Mr. Herman Stewart, on behalf of the International Ladies Garment Workers' Union, who filed a submission.*
7. *Mr. Martin Amber, 2 Busy Street, Toronto, Ontario, who filed newspapers clippings which is on file in the City Clerk's Department.*

8. *Ms. Diane Bull, on behalf of Women Against Free Trade.*
9. *Ms. Meg Hogarth/Griffith on behalf of A.C.T.R.A.*
10. *Mr. Mike Boychyn, 29 Calumet Crescent, Scarborough, who filed a submission.*
11. *Ms. Sandra Drake, on behalf of the Toronto Chapter, Executive Council of Canadians.*
12. *Mr. Bruce Willson on behalf of the Council of Canadian Honorary Directory Energy Advisory for the Consumer Association, who filed a submission.*
13. *Mr. John Lang on behalf of Confederation of Canadian Union, who filed a submission.*
14. *Mr. Scott Sinclair, on behalf of Coalition Against Free Trade, who filed a submission.*
15. *Mr. Pat Clancey, on behalf of Canadian Auto Workers, who filed a submission.*
16. *Mr. Dan Heap, M.P. for Spadina.*
17. *Mr. Linda Torney, on behalf of the Labour Council of Metropolitan Toronto, who filed two submissions:*
 - a) *Attached Deputation on Free Trade;*
 - b) *Booklet entitled "The Facts on Free Trade", which is on file in the City Clerk's Department.*

A citizen who wishes to remain anonymous addressed the Economic Development Committee in favour of the Free Trade Agreement.

The Economic Development Committee submits the report (May 25, 1988) from the Commissioner of Planning and Development:

Origin: Commissioner of Planning and Development - Economic Development Committee, November 6, 1987 (c71exec88061:24)

Comments:

1. Conclusions of the Workshops

Attached are notes on the five sector-specific workshops held in February and March. They are similar in content to the notes which have been on file in the Department since the workshops were held, and which have been available on request.

Of the five sectors to which workshop sessions were devoted, only financial services indicated support for the agreement across the board. Those attending the workshop based their support on anticipated gains in Canadian output and investment - which would bring more business to the financial services industry - and on an expanded and more secure access to the U.S. market.

The sector next most supportive of the agreement was the food and beverage sector. A number of the firms represented, particularly in the meat processing and bakery groups, were anticipating expansion opportunities into the U.S. and not much additional U.S. competition within our own market. Others, such as dairy and confectionery firms, thought the agreement would be neutral in its impact, or that more would have to be known before they could venture a prediction. Labour representatives within the food and beverage sector, however, were negative in their assessment of the Free Trade Agreement.

At the film/video workshop most attendees felt the direct impact on their industry would be neutral - based on the cultural industries exemption - but that indirect impacts could be negative. Among the indirect impacts cited was the possibility that free trade could cause the exchange rate on the Canadian dollar to increase. Much of the U.S. filming currently taking place in Toronto (worth well over \$100 million per year to the local economy) is dependent on the Canadian dollar discount. In this regard it is of concern that the Economic Council of Canada, in its most recent report, projects a 3 - 4% appreciation of the Canadian dollar due to the free trade agreement, equivalent to 4 - 5 cents.

A second indirect impact identified as a concern at the film/video workshop is the provision that new cultural support programs in Canada - i.e. beyond the support framework now in place - can trigger U.S. retaliation "to equivalent commercial effect". The view was expressed that existing Canadian cultural policy was not fully developed and should be expanded. While the U.S. could, of course, also retaliate against expanded Canadian cultural initiatives if there were no free trade agreement, it was felt that the specific authorization of retaliation in the agreement made it more likely.

A similar concern about cultural policy was expressed at the printing and publishing workshop by the publishers present. There was also a more direct concern among the printing firms represented, a concern shared by the labour representatives, and that was the expected inability of most local printing firms to survive without the current high levels of tariff protection applying to many products in this sector.

This concern is reinforced by the April, 1988 ECC assessment of the free trade agreement (Discussion Paper No. 344):

"The considerable inter-industry variations in potential productivity gains and the marked variations in the numbers of optimal and suboptimal plants within each industry imply considerable adjustment problems for weak industries and those with large numbers of inefficient plants. This is particularly true for such nondurable manufacturing industries as paper and allied products, printing and publishing, miscellaneous manufacturing, and food and beverages. These industries contain a large proportion of small and inefficient plants, and the estimated percentage of cost savings due to their rationalization is well above the average for manufacturing as a whole. For example, in the printing and publishing industry, almost 94 per cent of all existing plants, accounting for 38 per cent of the industry's output, are below the minimum average cost scale, suggesting that substantial restructuring would be possible.

"The rationalization of an industry takes time, and it often causes pain to those communities or workers facing a plant shutdown."

(It is noted that the Economic Council appears more concerned in this quotation about adjustment in the food and beverage industry than were the participants in our workshop on that sector. This may result from an over-representation of large firms at our workshop.)

Finally, there was the fashion industry workshop - a workshop producing an almost unanimously negative assessment of the free trade agreement. Aside from a representative of the fur sub-sector, all manufacturers and manufacturers' associations present had embraced a negative viewpoint. This included Peter Nygard (CEO of Nygard International) who had assisted the Federal Government negotiators.

Also opposed to the agreement were the labour representatives present and the Ontario Minister of Labour. Essentially, the fashion industry sees itself as unlikely to make major gains in the U.S. due to rules of origin restrictions - i.e. North American fabric must be used in clothing entering the U.S. to qualify for tariff removal. On the other hand, the Canadian industry would be threatened in its domestic market by removal of a comparatively high tariff on U.S. clothing imports - imports which are already heavily promoted in Canada by "spillover" advertising from U.S. media.

Even within the Economic Council of Canada's optimistic scenario for the fashion industry - in which total industry employment in Canada would be maintained or moderately increased - the industry in Toronto would likely be transformed almost beyond recognition. There would have to be substantially fewer firms to realize potential economies of scale and compete with U.S. firms. A few smaller "niche" firms might also survive. As an alternative to this relatively optimistic scenario, there is the potential for the Canadian industry as a whole to shrink (including its Toronto component) if the combined rules of origin and spillover promotion handicaps are as significant as many in the industry fear.

2. Should City Council Take a Position on Free Trade?

In view of Council's strong support of the fashion industry over the years, and that industry's virtually unanimous opposition to the proposed agreement, it is logical to consider an advocacy position on Council's part. Because the City has identified itself in so many visible ways with the fashion industry, it has gained a degree of "standing" on the free trade issue that other municipalities might not share.

The City has also extensively supported the film industry, and the concerns expressed by that industry on indirect effects of the agreement could also legitimately be seen as a matter of concern for Council. While Council has not to date identified itself strongly with the City's printing industry, the adjustment problems of that industry are also of concern.

It is noted that the long-run economic gains from "restructuring" the fashion, food/beverage and printing/publishing industries appear modest in absolute terms according to the Economic Council of Canada. The average cost premiums from operating at less than efficient scale are 4.16% for food/beverage, 2.75% for clothing and 5.08% for printing/publishing, according to the April 1988 ECC report. These orders of magnitude also reflect the cost inefficiency made possible by continued protection, a point which is relevant to the issue of whether continued protection should be advocated.

The implementing legislation has just been introduced in the House of Commons. The Minister responsible has indicated the Government's intention to have the legislation approved by summer's end at the latest, although he also noted the possibility the Senate might take longer. In view of the fact that the legislation has just been made public, and the Economic Council of Canada's only sector-by-sector impact study of the actual agreement available for only a month, the Federal Government might consider it reasonable to entertain submissions on the legislation from interested parties up to mid-July or so.

The Minister has indicated that no amendments of substance will be considered. Based on this position Council's most realistic options would exclude suggesting amendments to the legislation, and would boil down to these three: (a) oppose the agreement (including, as a possible variant, a recommendation to seek a more advantageous agreement in future); (b) support the present agreement; or (c) say nothing.

Such an "all-or-nothing" framework unfortunately might place Council in the position of having to oppose the stated interests of some City businesses in order to support the interests of others. For example, if Council opposed the agreement, it could be seen as standing in the way of economic gains for financial services firms and some food and beverage firms - even if Council also indicated support for a future, more advantageous, free trade agreement. While there is no projection available of the gains at stake for these firms, the overall economic gain to the country projected to flow from the present agreement, in which our financial services sector expects to share proportionately, is now set by the ECC at approximately 0.7 to 2.5% of gross national product.

The City's financial services and food/beverage firms also have concerns about increased U.S. protectionism, as might occur outside the framework of an immediate free trade agreement. Nevertheless, in this regard it is of interest that the most recent Economic Council of Canada report projects the negative impact of U.S. protectionist measures on Canada at only one-tenth of a point on the Canadian unemployment rate. That one-tenth of a point reflects not only the impact of all protectionist measures currently under consideration by Congress but also an assumed \$500 million per year capital outflow from Canada. While still other U.S. protectionist measures could be envisaged, they could also be envisaged with free trade - in the absence of the binding disputes settlement mechanism originally sought by the Canadian side.

Should the Economic Development Committee wish to consider a submission to Parliament, my staff would undertake to prepare such a submission in time for Council consideration by mid-July. The Committee may wish to refer to Council now the question of a possible submission, and request that Council indicate a policy direction to be reflected in the submission.

Recommendation: That this report be received for information and as a basis for such further action as the Economic Development Committee or Council may wish to take on the subject of the U.S.-Canada Free Trade Agreement.

*Summary of the Free Trade Workshop Discussions:
Financial Services Sector
March 8, 1988*

Conclusions in Brief

- The workshop participants were unanimous in their support for the Free Trade Agreement.
- The indirect macroeconomic impact of the Free Trade Agreement is expected to be substantial - i.e. the financial services sector would benefit from the overall expansion of output expected to flow from the Free Trade Agreement.
- On the whole workshop participants did not anticipate any significant direct impact from the Free Trade Agreement on financial services sector. Much of the sector has in effect experienced *de facto* free trade with the U.S. for many years. The insurance industry, for example, supported the government's objectives primarily as a way of securing the free trade situation that has been in effect for the better part of this century.
- Many of the workshop participants noted that if the agreement was not approved trade disputes could spill over into the financial services sector from unrelated sectors. The increasingly protectionist mood of the U.S. Congress was also cited by the participants.
- Some disappointment was expressed that the agreement did not go far enough in the financial services sector. Because Canada is further along with financial services deregulation than the U.S., American companies particularly banks would have wider powers in Canada than Canadian institutions in the U.S. In the U.S., for example, the legislation restricts the ability of banks to operate in more than one state. In both countries the law requires varying degrees of separation of underwriting activities, commercial lending, trust services, and insurance. In Canada the process of loosening these restrictions has moved more quickly than in the U.S. The view was expressed that the Americans got a slightly better deal in so far as they are getting access to a deregulated market. Also participants felt that Canadian banks in the U.S. will not be able to take advantage of a main competitive edge - namely their expertise in operating an integrated branch system over a large geographic area.
- The Provincial government has also noted that certain aspects of the agreement may impinge on traditional Provincial regulatory powers. Their representative quoted Ontario's Attorney General as saying that the proposed trade agreement would "represent a dramatic impairment of provincial powers". As an example, the Attorney General noted that the agreement requires "prompt, adequate and effective compensation" in the case of nationalization. He speculated that such future Federal and Provincial public insurance schemes as might be considered could be challenged by American firms under the disputes clauses of the Free Trade Agreement. Several other examples were given.

Detailed Comments

Business investment in plant and equipment was expected by participants to increase across Canada as a result of the Free Trade Agreement. The representatives at the workshop therefore expect a substantial stimulus for the financial services sector - particularly underwriting, new securities issues and commercial lending.

If the agreement is not approved, participants felt that Canada could see a significant deterioration in economic activity and living standards. This decline could be exacerbated if U.S. protectionism continues to increase.

Perceived Canadian Benefits:

- 1) Canadian banks will be permitted to underwrite and trade Canadian government (and guaranteed) securities in the U.S. Historically banks operating in the U.S. have only been allowed to deal in U.S. government securities. As a result of the recent deregulation in Canada, many Canadian banks have purchased investment houses which have significant U.S. subsidiaries. Most of their business involves Canadian government securities and (since they are now owned by a bank) that business would be in conflict with U.S. legislation. In the proposed agreement the U.S. government has agreed that the Federal Reserve will add Canadian government debt

instruments to the list of securities that U.S. banks can deal in. This will allow Canadian subsidiaries to continue most of their existing business in the U.S.

- 2) Both countries have agreed to the principle of "national treatment" which in effect means that Canadian firms operating in the U.S. will be accorded the same treatment as American firms. Canadian negotiators secured a commitment that future financial sector deregulation in the U.S. will also apply to Canadian firms. This is thought to secure our future in that market and may even give us an inside track against other foreign competitors.
- 3) Some Canadian institutions which managed to secure inter-state banking privileges (dating from before 1978) have had these rights included in the agreement - they become "grandfathered" and therefore permanently protected.
- 4) Several participants in the workshop also commented on the importance of the temporary work permit agreement. Historically it has been very difficult for Canadian firms to get their personnel across the border for work with their subsidiaries. The Services part of the Free Trade agreement will rectify this and make temporary work permits more routine.

Perceived American Benefits:

- 1) Article 1703 of the proposed Free Trade Agreement exempts U.S. firms and investors from some aspects of the federal "10/25" rule in order to accord American firms "national treatment. This rule prevents any single non-resident from acquiring more than 10 percent of the shares, and all non-residents from acquiring more than 25 percent of the shares of a federally-regulated Canadian-controlled financial institution. The 10 percent limitation on any individual shareholder resident or non-resident will continue to be applied to the larger banks but under the Free Trade Agreement more than 25% of the shares of a Canadian bank could be purchased by U.S. firms and individuals. In effect, control of a Canadian Bank could leave Canada, but not into the hands of one controlling shareholder.
- 2) Under the agreement U.S. subsidiaries operating in Canada will be exempted from the current 16% ceiling on the size of the foreign bank sector in Canada. It should be noted that this ceiling was raised from 8% to 16% when foreign banks approached the previous 8% limit.
- 3) Various impediments to American firms entering Canada will be removed, the most well known being Investment Canada's review powers. In the case of foreign banks operating in Canada, there are no inter-provincial banking restrictions similar to inter-state restrictions in the U.S.; however, foreign banks require the permission of the Minister of Finance prior to opening new branches in Canada. If the agreement is approved this restriction will no longer apply to American firms.

Additional Comments:

The principle of national treatment will apply to regulations. Any consumer protection laws which provide for differential treatment of domestic and foreign institutions must be justified. Similarly, if any government wishes to expropriate an industry (e.g. auto insurance) full and immediate compensation is required.

At the beginning of the free trade negotiations many Canadian financial institutions favoured an agreement based on the principle of reciprocity rather than national treatment. This would mean for example that if Canadian banks were not allowed interstate banking privileges in the U.S., then American banks should face the same restrictions in Canada. The difficulty of harmonizing the regulatory systems in both countries (or alternatively erecting a system of equalized restrictions) was insurmountable. The agreement is therefore based on the notion of national treatment. As noted above, members of the workshop criticized the agreement from this point of view feeling the Americans have the advantage of access to a deregulated market.

List of Participants:

Alderman Michael Gee (moderator)
Budget Chief
City of Toronto

Mr. Ray LaBrosse
Chief Financial Institutions & Market Division
Department of Finance
20th floor
L'Esplanade Laurier
140 O'Connor Street
Ottawa, K1A 0G5

Mr. Brian Mills
Senior Policy Analyst
Ministry of Financial Institutions
Queen's Park

Mrs. Jalynn H. Bennett
Corporate Development Vice President
The Manufacturers Life Insurance Company
200 Bloor Street East - NT- 11
Toronto M4W 1E5

(Ms. Bennett chaired the Federal SAGIT for the Financial Services sector)

Ms. Lynn Buckle
Vice President & Director
Financial Institutions Division
Canadian Bankers' Association
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P.O. Box 348
2 First Canadian Place

Ms. Helen Sinclair
General Manager, Planning & Legislation
The Bank of Nova Scotia
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Toronto, M5H 1H1

(Member Federal SAGIT for the Financial Services Sector)

Ms. Linda Jackson
Manager Corporate Planning
Royal Insurance Company of Canada
10 Wellington St. East
Toronto M5E 1L5

Mr. Lee Bentley
Vice President, Investments
Royal Trust

Mr. Colin Haddock
Vice President, Finance
Sterling Trust Corporation
220 Bay St.
Suite 501
Toronto, Ontario M5C 1B3

Mr. Ian Russell
Vice President, Capital Markets
The Investment Dealers Association of Canada
33 Yonge Street

Mr. Michael Harrison
Executive Vice President
Walwyn, Stodgell, Cochran, Murray Limited
70 University Ave.

*Summary of the Free Trade Workshop Discussions:
Food and Beverage Sector
February 2nd, 1988*

Conclusions in Brief:

The industry representatives were more positive than they had been during the earlier interviews conducted for the Planning and Development Department report on the industry. Some saw clear opportunities in the American market and most were confident they could contain competition from south of the border. As well, they believed the Federal government has now given sufficient indication it would be moving quickly to ensure that the price discrepancies between ingredients in the US and Canada would be eliminated (discrepancies resulting from the activities of Canadian marketing boards). This had been a major initial concern of the industry. Most participants in the workshop indicated that the Federal government seemed to be following up on its commitment.

The representative from the Ontario Ministry of Agriculture and Food was less positive, focussing on the impact of lower commodity prices on growers rather than on the food processors who pay these prices. He presented a report indicating that major losses attributable to the agreement will have to be absorbed by the fruit and vegetable growers, grain and oilseed growers, and dairy, poultry and egg producers. The report was disputed by many of those present who felt that the likely market responses of the food producers had not been adequately taken into account. For example, the expanded market for soy meal would require considerable new soybean acreage. It should be noted, however that those present were food processors and there were no members of the agricultural sector to comment on the study.

Representatives of organized labour were opposed to the agreement. They were particularly concerned about the lack of impartial analysis regarding the potential impact of the agreement on the Food and Beverage sector. They anticipate, and are already being presented with, urgent proposals from management for more "give" in labour agreements to assist in addressing the increased competition from the U.S. In order to reasonably evaluate these claims they need objective analysis.

The representative of the Ontario Food Processors' Association also characterized the positions of some of the industry associations as follows:

The Ontario Food Processors Association has a number of members who are opposed to the agreement; however, the membership as a whole seems to be moving towards a more positive position. The larger and medium sized companies seem to be positive in their views; the smaller firms are divided.

The Grocery Product Manufacturers association (which represent manufacturers of national brands) is becoming increasingly optimistic.

The Canadian Food Processors' Association is quite negative about the agreement and he does not expect much change in their opinion.

Detailed Comments

1. The Lack of Specific Information has been Partly Eliminated - The example most often referred to during the meeting was the two-price system for wheat. The Minister in charge of the Wheat Board has stated that this will be changed to ensure an "even playing field". The baking industry has received a variety of additional assurances that the two-price system will be eliminated.

The Federal representative at the workshop also indicated that from the perspective of the Trade Negotiations Office the government seemed to be moving quickly to follow up on its commitment. Finally, the analysis in the Provincial government's presentation at the workshop concludes that the negative impact in grains as well as fruits and vegetables will fall on producers rather than processors. This appears to assume the price support systems will be eliminated.

Lack of information was still a problem for many of the participants. Now, however, rather than information about the government's intention they feel the need is for more impartial information about the impact of the agreement. Many corporate and government studies have not been released

and all participants wanted this process speeded up. Labour representatives were particularly concerned about this.

2. Sectors at Risk More Clearly Defined. The following notes summarize the positions of the various sectors as expressed at the workshop. It was noted by participants that these positions are, of course, not necessarily final.

- a) The Red Meat Industry expects to benefit, particularly from more secure markets and reduced non-tariff barriers (created by complicated and time consuming border inspections and different health regulations in the various jurisdictions.) The industry actively supports the agreement.
- b) Poultry - At this time, the Marketing Board system creates a situation where American birds are cheaper than Canadian birds. The Federal government is going to address this situation by increasing the quota of American birds that can be imported without tariff. The quota will be allocated to processors that compete directly with American imports. This is expected to be mainly in frozen foods and will ensure that the competitors on both sides of the border are paying similar prices for their ingredients.
- c) Fruits and Vegetable Processing - the increased competition will be felt mostly by the agricultural producers. There is however, a tariff "snap-back" provision designed to protect them if the prices of imported produce fall to abnormally low levels. In effect this is the remedy if, for example, a bumper crop in one part of the United States were to suddenly drive prices down to the point where Canadian products were temporarily uncompetitive.
- d) Dairy - Large US producers particularly in the northeast should be able to compete successfully in Canada and they may win some market share in specialty products such as ice cream and yogurt. The representatives at the workshop expected that the overall impact on the Dairy sector will be neutral.
- e) Flour, Cereal, Feed, Bakery - Provided the two price wheat system is eliminated, this segment of the Canadian food processing industry feels confident that they can maintain their market share. The baking industry also sees opportunities in border cities such as Buffalo. In many of these areas, the American industry is currently operating at capacity.
- f) Vegetable Oil - Free trade is viewed as very positive for the soya industry, oil products in particular. Representatives of this sector are very strongly in favour of the agreement. One participant felt that without the agreement his firm's situation in Toronto would have been very difficult.
- g) Sugar and Confectionery - Canadian firms, at this stage of their analysis, see few opportunities in the US; however, they feel there is a probability of increased competition from American firms moving into the Canadian market. Representatives of this sub-sector indicated that they were still in the process of developing their strategy for a free trade environment. They see a difficult adjustment period, but feel they can meet the competition.
- h) Beverages - The Beverage industry's reaction to the agreement has not changed since our earlier report. The Breweries are exempted and the soft drink and distillery industries do not, at this stage of their analysis, anticipate many changes as a result of the agreement.

The following were present at the workshop:

Mr. Terry Norman
Trade Negotiations Office
Ottawa

Dr. Robert Seguin
Director of Economics, Policy Co-ordination Branch
Ministry of Agriculture & Food
Queen's Park

Mr. Ted Chudleigh
Executive Vice-President
Ontario Food Processors' Association

Mr. Tom Chandler
Vice-President Manufacturing
Redpath Sugars

Mr. Keith Heritage
Dempsters Bread

Mr. Frank Powell
General Manager
Quality Meats

Mr. Murray Stewart
Corporate Public Relations Manager
Canada Packers Inc.

Mr. Murray Davis
Commodity Operations Manager
Victory Soya Mills

Mr. Martin Pearce
Vice-President & General Manager
Confectionery & Grocery Division
Neilson's-Cadbury

Mr. Bill Reno
Director Education and Research
United Food & Commercial Workers

Mr. Don Hains
Hains Technology Associates

*Summary of Free Trade Workshop Discussions:
Film/Video Sector March 9, 1988*

Conclusions in Brief

1. Given that cultural industries are exempt from the proposed Free Trade Agreement, the general consensus of the group was that there will be little direct impact on the Film and Television Industry in the immediate future. What was of concern, however, would include indirect effects such as a possible increase in the exchange value of the Canadian dollar (the Economic Council of Canada now projects a 3-4% appreciation due to the agreement), and limitations on the expansion of support for Canadian cultural industries in the future (see point 7 below). Consequently, the overall conclusion seemed to be more negative than positive.
2. Tariff reduction provisions of the Agreement will be of marginal benefit since most film and television production equipment can be brought into Canada utilizing drawbacks on customs duties or other duty-reducing methods. Some benefits will result in the film and videotape raw stock area since increased competition is expected to result from the agreement. On the other hand, the leading Canadian producer of such stock (Kodak Canada) might relocate to Rochester, (their home base), with a loss of jobs in the Toronto area. Federal Sales Tax and red tape present greater problems for industry members who import equipment (most of which comes from Europe or the Orient) than problems associated with the tariff on imports from the USA.
3. It is hoped that the Agreement will at least reduce the red tape which does currently apply to the film industry at the US-Canadian border.
4. Increased accessibility of American financing is seen to have advantages for some producers.
5. Certain increased royalty payments will impact on cable operators; however, Canadian producers will benefit as much as American producers from payments made for retransmission of programmes on television.

6. The incentive for Canadian producers of television commercials to make commercials in Canada has been a 20% tariff on the import of commercials shown on Canadian television. Even with this deterrent a lot of production currently goes south of the border. Without it there could be a greater loss.
7. There is a "notwithstanding" clause (apparently of U.S. origin) which could prevent future incentives (such as the current "Broadcast Fund") from being implemented to bolster the Canadian industry. Industry members felt that the timing of the Agreement could not have come at a worse time for the Canadian industry which is currently experiencing a crisis in indigenous financing as a result of the loss of the Capital Cost Allowance, and budget uncertainties at Telefilm and the CBC. It was felt that the "notwithstanding" clause covered too many unresolved issues which left the Agreement open to interpretations of what were permitted Canadian government incentives and which allowed American countervailing measures. It was pointed out that these could be handled by the dispute-settling mechanism; however, the general feeling was negative based not on what the Agreement covered, but on what was left out.

Free Trade Seminar Workshop for the Film and Television Industry

Present were:

Eleanor Olmsted, Nelvana Limited
Peter Steinmetz, Cassels, Brock & Blackwell
Fred Blaser, Cassels, Brock & Blackwell
Marcie Morein, Cassels, Brock & Blackwell
Garry Neil, ACTRA
Araby Lockhart, ACTRA
Doug Dales, P. S. Production Services Ltd.
Wilson Markle, Mobile Image Limited
Lucie Hall, Sullivan Films
Sam Jephcott, Canadian Film and Television Association
Rob Iveson, Directors' Guild of Canada
Donald McLean, The Partners Film Company
Les Harris, Association of Canadian Film and Television Producers
Cathy Avruch-Johnson, Association of Canadian Film and Television Producers

City Staff:

Peter Tomlinson
Naish McHugh
David Plant
Rhonda Silverstone
Lorraine Lightbourne

Detailed Comments

Fred Blaser indicated that according to the Federal Government, the Free Trade Agreement will not change the industry markedly. The reduction of high duties will not substantially change the way these people are able to do business. Regarding the Film and Television Industry, the effects seem to be marginal. Apparently the cultural industries are exempt from this Agreement. However, there are four exceptions to the exemptions that should be looked at: (1) if you are an importer as well as a producer; (2) there is a technical provision related to the indirect acquisition of Canadian companies which will have a minimal effect; (3) retransmission rights - which will not have an effect on producers, but only on cable companies; (4) Print in Canada requirement.

Mr. Blaser has come to the conclusion that we are making a broad statement in that the cultural industry is exempt from the Free Trade Agreement. There are two things that we will all be concerned about in terms of increasing attraction of a place where films are made, first making Canadian films with Canadian capital and second, having foreign money come into Canada and use facilities and people we have here to film. Hopefully, the Free Trade Agreement will not interfere with either.

Peter Steinmetz believes that this Free Trade Agreement is almost totally neutral. Either way, whether it is ratified or not, will not have a significant impact on the industry. He mentioned tariff elimination on certain imported items such as videotape and raw stock, but pointed out that this was basically happening under GATT. He indicated that this Agreement would mean a positive for the consumer in the street.

Doug Dales explained that almost everything comes into Canada almost duty-free or that he can apply for drawbacks. He said that the Federal Sales Tax is greater than the duty charged. The reality of Free Trade in terms of these situations is pretty neutral.

Garry Neil indicated that clarification is needed of the Notwithstanding Clause (Paragraph 2—20.05) to cover unresolved issues, vis. "U.S. can take action of equivalent commercial effect if it is warranted." We have to determine how the U.S. interprets this. The U.S. apparently wanted this clause. What it means to him is that it is a good bargaining tactic. However, it is a given that this will continue to be discussed. What is not there, but will clearly be affected is the Cinema Act. Regarding the retransmission rights - a joint advisory committee comprised of government and private people looked at outstanding issues under the Cable Substitution Rule of Bill C58, but what are the outstanding issues as far as the Americans are concerned?

Peter Steinmetz said that the new treatment of retransmission rights means more payment to the programme originator. In the U.S. they have defined "near" rights and "far" rights and market sizes. They want to guarantee their near markets and feel that far markets are a bonus. Any cross-border amendments have to be worked out. If retroactivity were applied, then it would become a bad deal.

Garry Neil indicated that there are no Canadian content regulations for commercials. Right now there is 85% Canadian content in commercials broadcast in Canada. Assuming a whole rearrangement of the advertising industry as a result of the Agreement, will that mean that the American advertising agencies start redirecting some of their Canadian accounts to their American offices? It could have a very big impact on production of commercials in Canada.

Don McLean indicated that there has been a tariff applicable to a Canadian agency which went to the U.S. and shot a commercial there (approximately 20%). This is a penalty to be paid, but even with this deterrent in place, we still lose a lot to the States. There are some directors who refuse to come to Canada for whatever reasons and the ad agency creative teams will take the project to the U.S. even though it might mean extra expense of \$500,000 on a \$2 million production budget. Don McLean feared that some of the big budget pools might go south.

Peter Steinmetz said that a lot of this business has been going there for the last five years. The real accelerator is the fact that you have high budgets, advertisers spending money who are apparently just not concerned.

Don McLean differed on this and said that they are concerned. We have built up an industry that is world-class. There is the classic Canadian thought that if a spot is shot there (U.S.), it has to be better. We are just trying to keep work within our borders.

Lucie Hall mentioned that Sullivan Films are Canadian line producers for American programming. Production here is geared to the Canadian dollar. If our dollar remains where it is now in relation to the U.S. dollar then they don't see any change. They feel they are immune to the effects of Free Trade. Their main concern is to serve American co-production partners in order to produce material they are interested in producing. Kevin Sullivan is very much pro Free Trade. He is of the opinion that if you are efficient, cost effective and produce a good product, then that is all that matters. Sullivan Films produces products and then they are distributed through Sullivan Distribution. He does not see how Free Trade will affect his company as long as it does not effect his market penetration - but again the exchange rate is important.

Les Harris reiterated the re-broadcast rights issue. When a producer does a deal, it matters whether it is a co-production or not. If you do a co-production, the Canadian network usually acquires exclusive rights to the first broadcast. If the U.S. broadcast happened first, it could kill the deal.

Peter Steinmetz indicated that in this case you would protect yourself through broadcast hold-back period. Broadcast windows are negotiated. Regarding cable companies taking the U.S. signal, he

indicated that in the future all cable companies are going to have to pay money to the Americans for this, just the same as the Americans are now doing. There are retransmission payments in the States; however, in Canada we retransmit and don't pay for this right.

Doug Dales mentioned the value of Telefilm and other subsidies to people starting out in the industry. It is this area where there is concern - i.e. will the ability of Canada to expand these support programmes be restricted? He was also concerned about evolution of the FTA into a possible North American common market. That might mean more joint U.S.-Canadian restrictions against equipment from third countries (used extensively by his company).

Wilson Markle indicated that over the last five years, his operation has gone from 20 to 200 employees. His company has spent about \$7 million per year on equipment. This has cost about \$800,000 in duty. The company does about \$5 million in exports each year to the U.S. They have also imported about \$5 million in equipment from the U.S. for a major project for the televising of the Summer Olympics from South Korea by NBC. There are no tariffs to the U.S. and his company has been very competitive. They have spent a lot of time and effort dealing with rules and regulations that are supposed to help them, but instead tie them up in red tape. Hopefully Free Trade will deal with this.

Rob Iveson foresees, in the long term, certain resources relocating away from Toronto. The Directors' Guild of Canada is concerned that the 40-50 years that it has spent to build our indigenous infrastructure is in grave danger from continentalism. Continentalism is a business vision of the world and not the filmmakers' vision of the world. He does not think the Free Trade issue as it pertains to the Film and Video industry is neutral.

Sam Jephcott mentioned that in the area of television commercials, the decision as to who makes the television commercial is currently a view taken by somebody sitting in an agency here. If the Free Trade Agreement allows for more of the multinational ad agencies to conduct their Canadian business out of the U.S. offices, we are more likely to see commercials produced out of New York and Los Angeles. The question should be considered of what happens when the agreement is in place and it is decided by a multinational like Kodak to supply its Toronto market from someplace like Rochester. Kodak will have an advantage over Agfa Gaevert and Fuji in its favoured tariff rates for bulk film imports.

Wilson Markle said that hopefully Free Trade will open up more competition, i.e. Gaevert or Fuji versus Kodak. Without the tariff advantage they have a 10% cost reduction over Kodak.

Sam Jephcott said that with the removal of the tariff on bulk printing and the production of video cassettes, the Agreement will presumably preclude the Cinema Act as now envisaged. If we lose tax deductibility or the penalty of Canadian advertising on U.S. border stations and if that money starts flowing back to U.S. border stations - then this will mean a loss of revenue to the Canadian networks and weaken their budgets for Canadian productions. If the dollar rises to \$0.82 then our competitive position for production locally would also be adversely affected.

Eleanor Olmsted said that she couldn't ascertain whether Free Trade will affect her firm from a dollar volume standpoint. Directly, the elimination of tariffs will produce some cost savings. She does not see any other direct benefits. Indirectly, it could have some benefit from an investment point of view. There may be some additional opportunities in terms of financing for Nelvana to pursue. Nelvana has benefitted as a result of Canadian cultural support programmes, i.e. Canadian content, Telefilm, etc. The Agreement's recognition of existing cultural support in Canada is therefore important.

Araby Lockhart brought up the subject of live theatre. The theatres in Canada have been subsidized by government. This has levelled off and they have gone to other backers for money for their productions. If Free Trade goes through, we will have to have much more theatre to tell us who we are as Canadians and she does not know where the money will come from. The little theatres will lose out and these are very valuable elements within the cultural scene. She fears that big corporate sponsorships and other subsidies now available to theatre groups might go south.

Garry Neil mentioned that ACTRA members are very concerned about limitations on expanded cultural support programmes in Canada. This country lacks the right combination of Government programmes at the moment. The loss of the Capital Cost Allowance was a major blow to Canadian

financing. There is concern about the Notwithstanding Clause as we have limited our flexibility to take new actions in the future. The influence of the American industry is greater in Washington than the influence Canadian industry apparently exercises in Ottawa.

Les Harris mentioned that he cannot now determine whether Free Trade will affect the rate on the Canadian dollar. For our industry, it is the Canadian dollar that really brings the Americans here. If the Canadian dollar appreciates significantly relative to the American dollar, this industry will suffer. As far as the cultural side is concerned, there is no question that Canadian culture will start to have more American culture in it. Continentalism of our culture will affect every single area of our country.

Cathy Avrich-Johnson mentioned that producers still like protection and are nervous about the Free Trade Agreement. Do the Americans see Telefilm, the CBC, etc. as subsidies and feel they could take countervailing measures.

Eleanor Olmsted looked forward to increased equity participation by American banks. Peter Steinmetz observed that there are certain prerogatives that would be retained by financing bodies. He felt that already most Canadian producers were producing for a world market, that without a product that is internationally marketable, there would be an inability to finance.

*Summary of the Free Trade Workshop Discussion
Printing & Publishing Sector
March 8, 1988*

Summary

Conclusions in Brief

- (1) The industry is generally negative about the potential employment and commercial impact of the Agreement. Between 1975 and 1984, over 20,000 new jobs were added to the industry - making printing and publishing one of the fastest growing industrial sectors in Canada. Industry representatives noted that recent employment growth in the printing sector has taken place behind tariffs which far exceed those which shield most other parts of Canadian manufacturing. For some products, such as advertising catalogues, import duties are as high as 28%. A major fear is that tariff removal will lead to widespread job loss in vulnerable parts of the industry. A further concern is that the Agreement will generate approximately \$1 billion worth of new sales each year for American firms, particularly in areas that can easily be handled by the larger scale of the American industry. The Canadian Sears catalogue was mentioned as one example. New Canadian exports from Canada are unlikely to compensate for these increased imports.
- (2) According to those present at the workshop the Canadian industry lacks the physical production capacity to substantially increase its exports to the United States. Few Canadian firms could significantly boost their output without major new investments in plant and machinery. Investment capital for capacity expansion is in scarce supply. If the Agreement is ratified, the need for investment resources will be the most important issue.
- (3) Competition from American firms will result in major job losses in the Canadian industry, notably in sectors that deal with advertising catalogues, other promotional materials and greeting cards. These areas are currently protected by above average tariffs. The Federal government has promised adjustment assistance, which has not yet been defined. Participants felt that speedy availability of this assistance would be a crucial factor in the future competitiveness of Canadian firms.
- (4) The 5 year phase-in period for tariff elimination is too short. The Canadian industry requires at least 10 years of adjustment time.
- (5) The Canadian market for printing and publishing products is one tenth the size of the American market. As a result, a relatively small proportion of Canadian firms operate with economies of scale. The Agreement will expose small Canadian producers to larger and more efficient American competitors. The latter typically enjoy limited import competition, lower unit costs for paper and labour, higher productivity and scale economies (bulk production).

- (6) Canadian publishing firms may suffer reduced advertising revenues as a result of amendments to the Print-in-Canada Requirement which formerly complemented Bill C-58. (Prior to the Agreement, Bill C-58 allowed Canadian businesses to claim tax deductions on advertisements placed in magazines, newspapers and other periodicals printed and published in Canada). Removal of the Print-in-Canada Requirement will threaten jobs in Canada's publishing industry. Jobs in the printing sector could also be affected.
- (7) Both labour and industry representatives felt the Agreement will result in an accelerated redirection of Canadian investment capital to low-cost production sites in the United States. Labour representatives noted that large Canadian firms have already started to boost their printing capacity in the United States by purchasing American plants.

Detailed Comments:

1. Levels of tariff Protection.

Over 40% of Canada's print imports are subject to tariffs of 10% or more. Notable examples include advertising catalogues (28.6%), greeting cards (11.3%), advertising matter (24.3%) and bank stationery (12.2%). A major concern is that removal of tariff protection will lead to an import flood and a widening trade deficit in print products. The highest tariffs currently apply to print products for which Canada already faces large trade deficits.

Under free trade, advertising catalogues that are currently printed in Canada are unlikely to be price competitive with catalogues printed in the United States. A fear which several industry representatives expressed is that tariff elimination will remove the incentive for American firms doing business in Canada to print their Canadian advertising catalogues here. Similar concerns were expressed with regard to greeting cards, games and promotional materials. For most industry representatives, tariff elimination would translate into substantial job losses in Canada. At the same time, industry experts believe that Canada's printing industry may not have the production capacity to offset imports through expanded exports. In other words, the Canadian industry is not geared up to exploit the huge American market.

2. Industry characteristics: Canada/United States contrasts.

Large U.S. printing and publishing firms tend to have fewer manufacturing branch plants than do their Canadian counterparts. American plants are typically geared towards the production of large quantities of a limited range of products. This allows American firms to exploit economies of scale. Since Canadian firms tend to manufacture a wide range of products for local or regional markets, economies of scale in print production are rarely achieved. At present, then, the Canadian industry is not strongly positioned to compete with American firms. Because of their massive scale, the latter enjoy lower operating costs and higher productivity.

The cost advantages held by American firms that export to Canada can be offset only via tariff protection. Tariff elimination will allow large American firms to serve the small regional markets which currently sustain the Canadian industry. This is particularly true for advertising catalogues and greeting cards. Erosion of the standard business form market may also occur because bulk print orders can be quickly sent to the United States via telecommunications. American firms hold a price advantage in those commodities for which national and international demand is growing fast. Industry representatives fear that the Agreement will have a negative impact on sectors that have recently been expanding in Canada.

3. 1 C-58 and the Print-in-Canada Requirement.

Prior to the Agreement, Bill C-58 allowed Canadian businesses to claim tax deductions on advertisements placed in magazines, newspapers and other periodicals printed and published in Canada. The Agreement disposes of part of this benefit. While Canadian businesses can still claim tax deductions on advertisements placed in Canadian publications, these publications no longer must be printed in Canada. Industry representatives believe that Bill C-58 permitted the development of a viable periodical publishing industry - an industry that would not have otherwise been feasible. A major concern raised over the elimination of the Print-in-Canada Requirement is that printing contracts for periodicals and other material published in Canada will be lost to lower-cost printing firms in the United States.

4. Unfair Trading and Subsidies

Particular concern was expressed about the question of 'equivalent commercial effect'. Under this provision, the United States can respond to any Canadian cultural initiatives deemed to be unfair trading with countervail action. Industry representatives also expressed concern over the definition of unfair trading, particularly with regard to current grant and subsidy programs which assist the publishing sector. For example, will the Americans interpret subsidies and grants from Arts Councils for cultural publications as evidence of unfair commercial advantage? Will the investment assistance which is required to upgrade the Canadian printing industry be seen as unfair trading?

Industry representatives indicated that the Agreement does not adequately clarify the 'rules of the game' when it comes to subsidies and other assistance programs. While the Canadian printing industry does not receive any major subsidies, Canadian publishing firms are worried that their postal subsidies and government grants will be interpreted as "unfair trading" by the Americans. Although the Federal participant noted that existing grant and subsidy provisions are to be "grandfathered", industry representatives pointed out that many Canadian publishing firms are "motivated by the hope" that new and expanded subsidies will be put in place in the future.

5. Adjustment Assistance.

Industry representatives emphasised the importance of adjustment assistance to the future competitiveness of Canadian firms. While the Federal representative noted that the Canadian government has promised to deliver such assistance, particularly to those industries and sectors worst affected by the Agreement, it is not yet clear what form the promised assistance will take. Representatives of the printing industry emphasized the importance of investment assistance for plant modernization and worker re-training.

6. The Phasing of Tariff Elimination.

While the Canadian government attempted to negotiate a 10 year phase-in period for tariff elimination (in accordance with the industry's preference), the American position initially was for no phase-in period. A compromise of 5 years was finally accepted. In view of the efficiency differences between Canadian and American firms, however, labour and industry representatives believe that a 5 year period of tariff elimination is insufficient.

In order to compete with American firms, Canadian plants will have to invest in new production equipment. Canadian firms will also have to become more specialised. American printing firms have long enjoyed higher levels of capital investment than their Canadian counterparts. One reason for this is that the small size of the Canadian market restricts the ability of large printers in Canada to acquire expensive production equipment. State-of-the-art printing machinery is difficult to use economically in a small market. Investment assistance from the Federal government is required for industry adjustment. In order to allow Canadian firms sufficient time to raise money for new machines (and plan new and more specialised product lines), a 10 year phase-in period for tariff elimination is thought to be essential - not a 5 year period.

There was general agreement among industry representatives that full tariff elimination will leave about \$1 billion per year worth of Canadian business vulnerable to U.S. competition. At the same time, the Canadian industry could lose as many as 6 thousand full-time jobs. Most of the employment impact is expected to hit southern Ontario and Quebec. Toronto and Montreal are likely to be the biggest losers. In sectoral terms, likely industry victims are concentrated in advertising and catalogues, greeting cards, games and standard business forms.

List of Participants

Mr. Andrei Sulzenko
Assistant Chief Negotiator
Services & Investment
Trade Negotiation Office
Ottawa

Mr Richard Howard
Ministry of Industry Trade & Technology
Queen's Park

Mr. Kirk Howard
President
Dundern Press

Mr. Hamish Cameron
Executive Director
Association of Canadian Publishers

Ms. Lyn Cunningham
Board Member
Canadian Periodical Publisher's Association

Mr. George Bryson
President
Addison-Wesley Publishing Ltd.
(Also representing
Canadian Book Publishing Council)

Mr. Murray Pepin
Executive Director
Canadian Printing Industries Association

Mr. Robert Wilson
Comptroller
Webcom Ltd.

Mr. Fred Reeve
Assistant General Manager
Council of Printing Industries of Canada

Mr. Doug Grey
President, Local 91
Toronto Typographical Union

Mr. Duncan Brown
Canadian Organizing Co-ordinator
Graphics Communications International Union

Mr. Gordon Churchill
Pressman's Union

*The Free Trade Agreement and the
Fashion Industry
Notes on the Workshop held on
Wednesday, February 3, 1988 at
7:00 p.m. in the City Hall Council Chamber.*

The forum was attended by about 250 people. Approximately 600 letters of invitation had been mailed or distributed.

Alderman Dale Martin, Chairman of the City of Toronto Fashion Industry Liaison Committee, chaired the first segment of the workshop. Later, Councillor Joe Pantalone assumed the chair. A copy of the program is attached. Unfortunately, no representative from the federal Trade Negotiation Office was able to attend.

Except for the fur industry, speakers were unanimous that the Free Trade Agreement would be very damaging to the Canadian apparel industry. Ameliorative measures such as a duty remission program were thought to be of limited use.

Excerpts of the presentations by panelists and commentators are attached. Following the presentations, members of the audience submitted some 40 questions and/or comments. While many asked for clarification on certain issues, most echoed the comments by the presenters or expressed resignation and very little optimism about being able to change the final wording and implementation of the Free Trade Agreement.

Alderman Dale Martin:

The Fashion Industry Liaison Committee has organized this forum because of the large impact of the Free Trade Agreement on the future of Canada's fashion industry. Panelists and commentators will provide us with insights into the Agreement and the audience will be able to submit written questions and comments which will be read by the chairman.

Panelists:

1. Mr. Peter Nygard, President and Chief Executive Officer, Nygard International:

Thanks to the City of Toronto for its support for the fashion industry in general and for this event in particular.

Having been one of the most vocal spokesmen for free trade and the free trade initiative, I am now not necessarily a supporter of the deal for our industry, but I am also not ready to say that I am an opponent of it. We are still negotiating with the federal government.

Our industry is one of the unfortunate victims of the generally beneficial Free Trade Agreement. Because of pressure from the American - and Canadian - textile industry, the Agreement contains provisions which force Canadian apparel manufacturers to use only domestically made fabrics in their production to qualify for the deal.

No other industry had these "rules of origin" applied to it. The Canadian ability to compete with the U.S. is solely tied to its capacity to use imported fabrics from all over the world. The U.S. will have full access to our market while we have only a 10% chance to ship competitive goods there because of the duty rate quota.

We are working on a very elaborate duty remission scheme which would lower the costs of imported fabrics to us and, in some cases, the costs of imported garments. If this does not come out properly, there will be major job losses in this country. I do not blame the unions for opposing the deal, we will have to compete with the southern U.S. states which have right-to-work laws. For that reason even northern U.S. firms are moving south. We share the unions' concerns about possible job losses. We, in this country, have to get our costs down, not only in fabrics, but also in labour productivity.

2. Mr. Joe Zurich, Research Director, Ontario Federation of Labour:

When we talk about this industry in Canada, we have to talk about portions of it. Those focussed on the mass market will simply not be able to survive as a result of this Agreement. An internal study of the Bank of Nova Scotia of the credit ratings of all industries in Canada "after the Agreement" showed that most segments of this industry would have the lowest possible ratings. It was assumed that their ratings would decline to minus 4 on a plus 4 to minus 4 scale. This, I suspect, will become a self-fulfilling prophecy. Only firms that are able to develop a very specialized market niche will in fact survive, and even they might not if the "Rules of Origin" issues are not resolved.

The more devastating impact of the Agreement, however, lies in the sections that do not appear to have direct relevance to this industry. This Agreement binds our Government not to act in a number of areas which are of fundamental importance in giving direction to the economy. No preferential price for energy, for example. Many of the technology subsidy programs or skill training programs will become impossible.

We have agreed to spend the next seven years negotiating what a subsidy is. If you sit in the U.S., almost everything we do is a subsidy to an industry. This Committee of the City of Toronto might well be a subsidy to the fashion industry in somebody's mind. Other examples are unemployment insurance, our OHIP system, almost everything our government can do. Yet, the American military budget - almost two thirds of Canada's GNP - funds about 70 per cent of research and development in the U.S. Even so, it is specifically excluded from the process of negotiation.

This is a very bad deal, it's a bad deal for the fashion industry, it's a very bad deal for working people, it's a bad deal for small manufacturers and it is a bad deal for Canada.

3. The Honourable Greg Sorbara, Minister of Labour and Minister Responsible for Women's Issues:

Many of the strong arguments made by Mr. Joe Zurich are not simply the views of labour, but are shared by the Government of Ontario. No one will ever be against the notion of expanding the trade horizons for industries. You would have to be a fool to say that trade should be more restricted. Ontario's problems are with the nature of this particular deal.

American protectionism is not a new theme. If you look historically at the medium and long term, you will see two countries working out various problems and trade arrangements. American protectionism is really a short term theme, the period of Reaganomics is coming to an end. The real economic reality in the U.S. is not long term protectionism. It has a lot to do with how to cure some very serious economic problems.

Over 70 per cent of the goods that travel between this country and the U.S. travel there without impediment of tariff. So, this Agreement will not drastically expand our balance of trade relationship.

It will, however, reinforce the north-south orientation of some of the provinces. It will not reinforce the east-west linkages which have been so important in the past in bringing us together as a people.

We are told that the Agreement will create lots of jobs. However, during the hearings of the Free Trade Subcommittee of Cabinet, even the corporate executives who supported the deal did not think that more jobs would be the result.

I think one of the single most important pieces of evidence that the working people have been left out of this Agreement is the fact that it is silent on labour adjustments programs. In a best case scenario, there are going to be 300,000, 500,000 new jobs in Canada as a result of free trade. How are we going to train our people for those jobs. How are we going to help the fashion industry adapt to the new technologies that make us more competitive.

My sense is that the conservative philosophy of the Conservative Government here is that our workplaces should be more like those in the U.S., because that will make us more competitive. If the U.S. were the model in terms of workplace environments, if they were the leaders, then I might say yes.

When I visited a couple of shops in the fashion district a couple of weeks ago, I got the sense that those workers are concerned and they feel threatened. In many instances there are labour shortages. Progress needs to be made, not only in the garment district in Toronto, but in every workplace in this Province and this country. With this deal, those improvements are further away. It is not a good deal for fashion and it is not a good deal for Canada.

Comments:

1. Ms. Rachel Kuipers, Marketing Director, Fur Trade Association of Canada:

I speak on behalf of the fur industry only. In 1985 the U.S. accounted for 85 per cent of Canada's international business in fur and fur products. The fur industry's greatest export gains have been made in the U.S. since 1980.

There is room for expansion into the U.S. market and the free trade deal is good for the industry. If the Free Trade Agreement is accepted, tariffs will be lifted as of January 1, 1989.

2. Mr. Chris Kuzik, Executive Director, Toronto Dress and Sportswear Manufacturers Guild:

The reason that we were in favour of free trade negotiations in the beginning was that we were getting clobbered. Through the 1980's imports in apparel have grown from 150 million to over 300 million. We are losing a lot of market share to low cost imports. We thought the free trade talks might counter American protectionism as exemplified in their 1985 proposed Textile and Apparel Trade Enforcement Act. But the result is not a free trade deal. How can it be, when its essence is quotas, restrictions, limitations which force us to use only North American fabrics.

In Ontario and Canada, 75 per cent of our fabrics are imported, 25 per cent are bought locally. In the U.S., 25 per cent are imported, 75 per cent are bought domestically. The designers that I represent and associate with import almost all their fabrics. There is just no novelty or unique fabrication here. The proclivity of the textile industry and government is certainly to buy Canadian fabrics, and this is irrational, because there are no Canadian mills, there is nothing. Benefits from any subsidiary program like the proposed duty remission program are very limited. We have great difficulty with the Agreement.

I am also concerned about industry adjustment. Our industry is uniquely Canadian owned, many are family owned small companies. We have developed our markets across Canada. But we don't have multi-million dollars to suddenly go, gear up and fight. The Bank of Nova Scotia is dead on. We are really going to see a bit of a massacre.

My final point relates to the lack of labour adjustment programs in the deal. It is outrageous that on Spadina with around 20,000 workers there are no worker training programs. I think it is a flawed Agreement, we'll work with it.

3. Mr. Fred Bryan, Executive Director, Apparel Manufacturers Association of Ontario:

We looked with a great deal of enthusiasm at the possibilities of a Free Trade Agreement with the U.S., we want that market. However, we now do not have a free trade agreement in apparel. We can't sell garments in the U.S. with the limited availability of domestic fabrics. We can't sell garments made from U.S. fabrics in the U.S., because they are already there and they have been there a long time. Our only hope lies in the negotiations that now go on with the Federal Government. If they don't produce anything worthwhile, we could be in real trouble.

4. Ms. Alexandra Dagg, International Ladies Garment Workers Union:

The head of the Quebec Apparel Manufacturers Institute has said: "Canadian garment manufacturers will survive under free trade, but it is the workforce that won't survive". This, unfortunately, is true. Duty remission or no duty remission, a lot of our manufacturers will have serious difficulties competing with the American market. The Bank of Nova Scotia is already exercising their rating. Recently, a small manufacturer was refused a \$100,000 loan and the company is now in trouble. The Federal Government is not just sacrificing this industry, they are sacrificing the livelihood of thousands and thousands of immigrant women who work in this industry.

5. Mr. Gordon Vala-Webb, Amalgamated Clothing and Textile Workers Union:

The silence of the Federal government on the impact of the Free Trade Agreement on this industry and on Canadian workers is frightening for me. It is frightening for everybody involved in this industry.

The Amalgamated Clothing and Textile Workers Union is opposed to the Free Trade Agreement. We estimate that in our union alone two thousand jobs are threatened in Metropolitan Toronto in the clothing and textile apparel industries. That constitutes 40 per cent of our membership. Reasons for the job losses have to do with the structure of the industry. Why would an American multi-national company produce in Canada and the U.S. when all they needed to do was to gear up a little faster in the U.S. and shut the Canadian plant.

People who will lose their jobs will be mostly women, with English as-a-second language and lower than average educational levels. They will be hard to re-employ. The working people in

Canada are going to be hurt severely by this Agreement, manufacturers will be forced to act mainly as importers and change their manufacturing outfits into warehousing for their American supplies. That will be the end of the clothing and textile industry in Canada and, frankly, I want a Federal Election on this issue.

6. Ms. Laurel Ritchie, Canadian Textile and Chemical Union:

We should emphasize that with this industry we are talking about fully 7 per cent of our gross national product and that the industry accounts for 12 per cent of all manufacturing jobs in this country. If this industry is in trouble, we are talking about big trouble right down the line, because there is nothing to take up the slack.

This Agreement is going to be particularly hard in the textile area, especially since there are increasing signs that there will be no incentives for Canadian textile products to be used in garments or other finished products.

Many American firms capable of producing for the Canadian clothing market are now operating at under capacity. A mere 5 per cent increase could virtually serve the whole of the Canadian market. The fact remains that the high fashion component of the industry is still relatively small, there is no security of access now to the Canadian market and there will be even less under this Agreement.

There are government procurement policies at the Federal and other levels of government that are certainly going to be jeopardized in the long run. They and any adjustment programs that have been talked about would be seen by American producers as contradictory to the very principle of free trade. This Agreement is going to erode the ability of government to provide very basic social services. I would certainly support the brother here who has pointed out the need for a federal election before this deal is ever ratified.

Appendix A

*The Free Trade Agreement and The Fashion Industry
Wednesday, February 3, 1988, 7:00 p.m. - 9:00 p.m.
City Hall Council Chamber*

Program

- Chair: Alderman Dale Martin, Chairman, City of Toronto Fashion Industry Liaison Committee
- Panel: Peter Nygard, President and CEO, Nygard International
Joe Zurich, Research Director, Ontario Federation of Labour
The Honourable Greg Sorbara, Minister of Labour, Province of Ontario and Minister Responsible For Women's Issues
- Comments: Rachel Kuipers, Fur Trade Association of Canada (Ontario) Inc.
Chris Kuzik, Toronto Dress and Sportswear Manufacturers' Guild Inc.
Fred Bryan, Apparel Manufacturers Association of Ontario
Alexandra Dagg, International Ladies Garment Workers Union
Gordon Vala-Webb, Amalgamated Clothing and Textile Workers Union
Laurel Ritchie, Canadian Textile and Chemical Union

Audience Participation: Questions/Comments

The Economic Development Committee also submits the communication (February 17, 1988) from the Fashion Industry Liaison Committee:

Comments: At its meeting held on February 16, 1988, the Fashion Industry Liaison Committee reviewed the proceedings of the Free Trade Forum which was held on Wednesday, February 3, 1988, in the Council Chamber.

As a result of this discussion, the Fashion Industry Liaison Committee decided to forward the following resolution to the Economic Development Committee:

"The fashion industry is the largest industrial employer in the City of Toronto, and the Fashion Industry Liaison Committee's mandate is to strengthen and promote the industry.

While Free Trade negotiations initially appeared to increase opportunities for apparel manufacturers and designers, it has become clear that the Free Trade Agreement will be detrimental to the industry. Quotas are the direct opposite of "free trade".

Be it, therefore, resolved that the Fashion Industry Liaison Committee urges City Council to pressure the Government of Canada to exclude the apparel industry from the provisions of the Free Trade Agreement."

The Economic Development Committee also submits the communication (February 4, 1988), from Pat Carney, former Minister for International Trade:

The Prime Minister has forwarded to me a copy of your letter to him of December 24, 1987, concerning a petition to the City of Toronto on the Canada-U.S. Free Trade Agreement.

I wish to thank you for drawing to my attention the series of seminars which will be held in February. I am confident that, after balanced and informed discussion of the Agreement, the majority of participants will conclude that the Agreement is good for their industry, their province and the country as a whole.

With regard to your concerns respecting a lack of information on the Agreement, I want to assure you that every effort is being made to provide Canadians with both general and detailed information so that they can draw their own conclusions about the Agreement.

Our information dissemination procedures have included publishing and widely distributing the Agreement itself, a synopsis of the Agreement and tariff schedules. In addition, we have also produced and distributed a wide range of brochures on related issues. These issues include the expected impact of the Agreement on women, and on every region of the country. Also, we have begun to release technical studies on issues such as consumers, energy, industry, agriculture, fisheries and so on.

Throughout the entire negotiating process, we consulted with the provincial and territorial governments and the private sector on an ongoing basis. Our consultations were systematic and regular. The provinces and the territorial governments were consulted through the Continuing Committee on Trade Negotiations and meetings of First Ministers. For the private sector, the International Trade Advisory Committee and fifteen Sectoral Advisory Groups on International Trade were established. Several extensive debates were held in the House of Commons on this issue.

The Government has consulted Canadians more on this issue than any other, as we want Canadians to know the details and understand the benefits which will flow to them from this historic Agreement.

I want to thank you for writing to the Prime Minister on this issue. It is only by receiving feed-back from concerned citizens such as yourself that we will be able to achieve our objective of an open and prosperous economy. Your interest in the Free Trade Agreement is much appreciated and I look forward to the results of the seminars.

The Economic Development Committee also submits the following Briefs filed at the Public Meeting:

(May 24, 1988) from D. Kerr, 110 Macpherson Avenue, Toronto)

Some persons have speculated that opposition to free trade with the U.S.A. arises from a small-minded defense of special interests in the face of the common good. Why, then, do so many Canadians oppose a free trade deal with the U.S.A?

The underlying assumption of many free trade supporters is that the deal can be judged on its broad economic merits alone, provided there is "adequate protection of Canadian culture and sovereignty". This assumption is both naive and erroneous and many Canadians recognize that fact.

Many people understand that our culture and sovereignty are already badly undermined by our too-close ties with the U.S.A. Our industries are heavily dominated by U.S. capital (directly and through franchise arrangements) which affects what we make and how we trade. This has resulted in an enormous deficit in interest and dividend payments which we must balance with a merchandise trade surplus in order to stay even. More important, these close ties with the U.S.A. have seriously affected the availability and content of movies, T.V., stage plays, etc. I suspect that many Canadians just don't want to be further dominated by the goods, styles, structures and modes of thinking that come from U.S.A.

In addition, there is a growing recognition that the U.S.A. has passed its peak and is declining spiritually, ethically, politically, and, we suspect, economically. The rise of Reaganism has opened many eyes to the political decline of a formerly great liberal democracy. It has become quite obvious that the lynch-pin of U.S. foreign policy has been to keep as much of the world as possible open for their investment and trade even if this requires support of disreputable dictators or the destruction of nationalist movements. Reaganism has revealed how cruel and unprincipled this policy can be when it is on the defensive and is pursued with pseudo-religious dedication. Unfortunately, Reaganism is unlikely to die with Reagan.

This is the crux of the free trade issue. Most Canadians are saying no because they don't want to be tied even more closely to a deteriorating U.S.A regardless of any medium term macro-economic benefits. In the long run we must pursue other strategies for economic and cultural development.

It seems to me that Toronto's place as a Canadian commercial and cultural centre is threatened by closer ties to the U.S.A. When the free trade deal matures, Toronto will be more like a nice regional North America city. It will lose some of its distinctive national character and become less attractive for conventions and other events and less desirable as a place to live and work.

In summary, I strongly urge the City Council to take a strong stand against a unilateral free trade deal with the U.S.A and in favour of a national-based, multi-lateral strategy for economic and cultural development. The world is our oyster - let's not get tangled any further in the tentacles of a floundering monster.

(May 25, 1988) from Russell B. Smith)

I welcome this opportunity to voice my concerns over the free trade issue.

My first concern is one that should be of interest to all who live in a large, urban centre like Metro Toronto. We enjoy a relatively 'safe' city compared to New York and Detroit where crime, muggings and murder run rampant. Free trade, as others have shown, will speed the integration of our economies. The way the Americans live in their cities will steadily become the way we Canadian live in our cities. I don't think anyone would endure that for long!

American cities! I know quite well the ones near to me. Filthy, rundown Buffalo, scary, burned-out zones of Detroit, where you couldn't walk your dog after 8:00 p.m. New York City, unkempt, graffiti-lined, unsafe subways and parks. No thank you!

Another image is the high rise jungle. Wasn't that phrase invented in N.Y.? Canadian planners and politicians have avoided the Manhattan city-style. We also stayed away from the spaghetti expressways of Los Angeles. Public transit, that's the efficient Canadian way! We have 3 times the public transit of American cities.

Free trade will inexorably force the urban structure of U.S. Cities into our own because the marriage of economic systems brings the union of economic processes: de-industrialization, urban development patterns, transportation systems. Will anyone be surprised when Congress claims that monthly transit passes are hidden and unfair subsidies to Canadian workers? With free trade our cities will get inequality. The extremes of wealth and poverty in U.S. Cities are legendary. When I make my way home from downtown Toronto These days, I see more stretch limos and sports cars than I've ever seen before. At the same time, I see more street people trying to eke survival out of a life of hostels, stairwells and food banks. These sights have been commonplace in American cities for years.

I think that I have presented my case against free trade justly, and would urge you to make sure it never rears its ugly head here.

(May 26, 1988) from Bill Reno, President, Ontario Provincial Council, United Food and Commercial Workers)

The United Food and Commercial Workers represents over 12,000 people who work in the municipality of Metropolitan Toronto, more than half of whom work within the City of Toronto itself. We represent workers in many of Toronto's largest food processing plants, such as Canada Packers, Quality Meats, Neilson's Lancia, Bravo, and others. Furthermore, we represent many thousands of workers employed by food industry corporations with head offices in Toronto. Obviously, we have a very large stake in the direction the Government of Canada is taking with the U.S. trade deal.

Although we subscribe to the general position of the Canadian labour movement that the trade deal is a bad deal for Canada, we do not do so out of unthinking loyalty or solidarity. We have made our own independent analysis of the deal, based on our intimate knowledge of the economics of the food industry and our past experience in dealing with that industry.

For the Canadian food and agriculture sector, this proposed deal is devastating. It seems incredible to us that our so-called negotiators failed to understand the extreme interdependence between the food processing industry and the agricultural sector. One cannot survive without the other, particularly in Ontario, where the vast majority of food grown on farms is processed.

Yet the deal dictates that we will be forced to choose between maintaining our food processing industry or our system of agricultural commodity marketing boards. That's because commodity prices are somewhat higher in Canada due to the marketing boards. This is a price we pay for a stable food supply in an independent country and in our view, the price is well worth the benefit.

However, our higher commodity prices will, under free trade, severely disadvantage our indigenous food processors, forcing them to source product in the U. S., in competition with increasingly vertically-integrated U. S. food firms. The marketing boards will become irrelevant to farmers who cannot sell their crops at a price which allows them to stay in food production.

Furthermore, even though Canadian labour productivity in Canada is as high or higher than in the U. S., we simply cannot match the economies of scale in the existing U. S. food processing industry. And since most of the Canadian food industry is owned by foreign, chiefly American multinational corporations, it is unlikely in the extreme that such companies will make significant capital investment in continental processing facilities. Why should they? There would be no economic incentive in a free trade environment.

I have heard some food industry executives fantasize out loud about multinational branch plants becoming dedicated to narrow product lines for the entire North American market. This may or may not happen, but it is obvious that such decisions will be made entirely in the U. S., which is a general feature of the trade deal that should deeply concern every Canadian.

The existing tariffs and barriers to U.S.-Canadian trade in agricultural and processed food products are not that great. They are sufficient to protect our food production base, but low enough to ensure active competition which keeps prices to consumers reasonable.

We know that there are some food industry sectors that will be less affected by the trade deal than others. Indeed, there is a possibility that the Canadian beef industry may be able to increase its exports to the U.S. somewhat, if current exchange rates hold and all other factors remain constant.

But as a union, we speak with one voice, and our voice says no. We wonder about a government that is so anxious to strike a deal that they would surrender control over our food supply to foreigners. It is a tragic example of the triumph of ideology over common sense.

Of course our members are not simply workers. They are Canadians who are proud of their heritage and grateful that they live in a democratic country in which voters can influence the major political and economic decisions which will affect not only their lives, but the lives of the children and grandchildren.

Accordingly, we are alarmed at the other aspects of the trade deal which will dramatically reduce the ability of our governments to make economic decisions independent of the United States. Of particularly vital concern is the energy sellout, which, if it proceeds, will go down in history as one of the most shameful acts of any Canadian government.

On behalf of all our members who live and work in Toronto, please add your voice to the growing ranks of Canadians who are demanding an election on this issue before our country becomes Americanized forever.

(Newspaper article entitled "Government cut us a raw deal" from the Financial Post 500/Summer 1988, appended to the foregoing Brief is on file in the City Clerk's Department)

(May 26, 1988) from Pat Sullivan, Manager, Greater Toronto and Central Ontario Joint Board and Gordon Vala-Webb, Research Director, Amalgamated Clothing and Textiles Workers Union)

I would like to thank the Committee for this opportunity to present our views on such an important matter. The Mulroney trade deal will have a serious impact on working people and on the City of Toronto in which they live. The Committee is to be commended for its careful consideration of this matter.

The Amalgamated Clothing and Textile Workers Union (ACTWU) consists of approximately 25,000 members who live across Canada. Our members work primarily in the clothing and textile industries although many work in industries as diverse as automotive trim, fibreglass making, chemicals and synthetics, and footwear. In Metropolitan Toronto we have over 5,000 members the majority of whom work in the clothing sector.

We are strongly opposed to any free trade arrangement with the United States of America. I hope we can convince you tonight of the validity of our arguments and the negative effect it will have on the economy and life of this great city. We will begin by outlining, briefly, our general objections to this agreement and then, in more detail, how we believe our members, city residents and participants all, will suffer as a result of the "free" trade agreement. The Mulroney trade deal is neither about trade nor is it a good deal.

In 1867 the Fathers of Confederation created a country which defied economic wisdom. Where the natural economic linkages were north-south they created a country which spanned from east to west. And that country prospered and became a unique society respected around the world. The federal government, without a mandate, has cast aside the historic determination of our people. Henceforward trade is to be reoriented on a north-south axis and future economic, social and political developments should be directed by the free flow of market forces. The concern about binding a diverse population stretched in a thin band along the longest undefended border in the world is to be abandoned.

The drive for free trade was dressed up in stated concerns about a rising tide of American protectionism. The deal fails even on this test that the Mulroney government set for it - the need for assured access to the U. S. market. The primary barriers being thrown up by the U. S. Congress against Canadian goods are non-tariff barriers. The main reason for building these barriers lie in claims about subsidy on this side of the border. Instead of settling these questions the deal calls for negotiations over the next five to seven years. In practice, in the real world, I challenge anyone to tell me what bargaining strength a Canadian government will have left in 1996 after our industries have spent the previous seven years rationalizing and restructuring to fit into a continental context. We will be bargaining from a position of weakness and, regardless of who is in power, will have to take whatever is offered.

The sense of failure is heightened when we look at the 'binding' dispute settlement mechanism. The power of the dispute panel is only to determine whether or not the law was followed in any action - whether the law itself is fair. Given the additional fact that the volume and perversity of countervail actions is much greater in the U. S. than here you can see that the binding disputes settlement mechanism will have no real power. On the question of its own immediate objectives the agreement fails the people of Canada.

Let us turn now to how the Mulroney deal will affect the clothing and textile industry within the City of Toronto. Canadian textile and clothing firms are highly dependant on the domestic market, a market they already share more than any other industrialized country. There is a general consensus from a wide variety of sources, spanning the Ontario government and private economic forecasts, that these industries face definite job losses if tariffs are reduced. Because they produce for a small market, domestic firms are set up for small production runs. Gearing up to compete in the U. S. market could cost millions, and take a long time to accomplish. Meanwhile, our markets would be swamped with textiles and clothing from U. S. industries which are built for long runs and are currently operating under capacity.

In this very chamber, during the Fashion Industry Liaison Committee's forum on the agreement and the fashion industry, there was near unanimity expressed by representatives from labour, business, and the provincial government about the devastating effect free trade would have on the industry in Toronto. While a few manufacturers in certain sub-sectors might gain (e.g. fur, leather, high quality outerwear) we estimate that within our own union some 3,500 to 4,000 workers in Toronto will lose their jobs as a result of this agreement. To quote from the recently leaked "Canada-U.S. Trade Study" authored by a Canadian bank: "A trade agreement with the United States will present significant risks to Canadian manufacturers of such standardized items as jeans, T-shirts, sports shirts and foundation garments. This is particularly true for Canadian licensees of U. S. product lines." The report gave the total industry a "risk evaluation" of -2 (maximum risk = -4, maximum benefit = +4).

Let me make it very clear that these people will lose their jobs not because they are "unproductive"; nor because they are lazy or they are over-paid (far from it in fact); nor is it because the manufacturers are stupid or unentrepreneurial. They will lose their jobs because, compared to U. S. manufacturers, Canadian companies do not have the economies of scale necessary in a market now ten times larger. They will lose their jobs because it is easier to exploit workers in the non-unionized sun-belt south of the U. S.; they will lose their jobs because American multi-nationals will move branch-plant operations into the U. S. or Canadians operating with under U. S. licensing agreements will lose those to the American parent. The much discussed duty-remission program, in our opinion, does not change this scenario materially.

This is the first half of the tragedy. The second half is that those who have their livelihood taken away from them are the most likely to have difficulty finding other work. The clothing industry, and to a lesser extent the textile industry, has traditionally been an entry point for new immigrants to Canada. The majority of these have been women, many of whom have English as a second language. Furthermore, while they are highly-skilled in their trades, they often have low levels of formal schooling. People with these characteristics are classically very difficult to place in any form of alternative work let alone work which has the same level of pay as before. Massive, long lasting adjustment programs would be necessary to provide real opportunities for the men and women in the clothing and textile industries who lose their jobs. At this late date the Federal government seems unaware, and certainly

unprepared, to meet this desperate human need. The Federal government's record in the area of industrial adjustment does not inspire confidence as thousands of unemployed former textile and clothing workers will testify.

The consequence for a City such as Toronto to have numbers of primary or secondary wage-earners losing their source of income and being trapped in a position of hopelessness bears sober and compassionate consideration. The possible effects on social and community life as well as the consequent drain on City resources should be a real source of concern. Other pressures on the social system as a result of "free trade" - eg. a reduction in government revenues from the loss of tariffs and pressure on social programs from American companies claiming that these are "subsidies" - will also be felt disproportionately by this group.

Canada's textile and apparel industries are a vital component of the Canadian national economy and the economy of Toronto. The implementation of this agreement, and the likely further loss of our capacities in the areas of subsidy and non-tariff barriers seven years from now will have the effect of paralyzing our national government and its ability to make national policy. For generations, Canadians have been deeply concerned about the extent of our dependency on the U. S. With this agreement, the dependency will be cemented, forever.

The Amalgamated Clothing and Textile Workers Union is committed to do all in its power to oppose any deal which would threaten the viability of these industries and the fabric of our country. We urge the Committee to join us in opposition to this deal and recommend to City Council that they issue a ringing condemnation of the "Free" trade deal. We believe this would be an important step to take. The best interests of the working people, of Toronto, and of Canada demand it.

Once again I would like to thank the Committee for the opportunity you have afforded us to speak on this issue. Many thanks for your kind attention.

(February 29, 1988) entitled, "Environmental Impacts of the Canada - U.S. Free Trade Agreement", prepared by Michele Swenarchuk, Counsel, Canadian Environmental Law Association for the Standing Committee on Finance: Free Trade Review)

1. Introduction

The Canadian Environmental Law Association is a public interest environmental group, founded in 1970, and currently funded by the Ontario Legal Aid Plan. Our mandate includes the representation of individuals and environmental groups in legal proceedings, as well as analysis, research, and commentary on legislative and policy initiatives in the environmental protection field. Our work has been focused on issues of toxic chemicals, including pesticides, waste disposal, Great Lakes pollution, forest management, energy policy, industrial pollution, and a wide variety of other environmental issues.

II. Energy

The Free Trade Agreement covers almost every kind of energy product, including oil, natural gas, coal, and their derivatives, as well as electricity and uranium. The deal eliminates the use of tests previously used by the National Energy Board, including the Surplus Test and the Least Cost Alternative Test, meant to protect Canadian energy supplies for Canadians. Between 1959 and 1986, natural gas producers were not permitted to export to the United States unless they could show a 25 year surplus of supplies in Canada. This requirement was reduced to a 15 year test by the Mulroney government, and now has been eliminated. The Least Cost Alternative Test required that energy exports be sold at a price no lower than that which the customer would pay if he had to buy from an alternative supplier.

Articles 902 to 904 of the Free Trade Agreement replace such tests with a prohibition against restrictions on energy exports.

Restriction is defined to mean:

Any limitation, whether made effective through quotas, licenses, permits, minimum price requirements or any other means.

This prohibition of restrictions on energy exports precludes any price or tax difference imposed by Canada on exports to the U.S. unless such measures apply equally to Canada. In addition, even in periods of shortages, or for purposes of conservation, we are precluded from restricting our exports to the U.S. except to the extent that we maintain exports to them in the same proportion of our production that had existed in the 36 months previous to the period of shortage; Canada could still not impose higher prices on exports to the U.S.; and Canada could not change the proportions of various types of produces exported, such as proportions between crude oil and refined products and among different categories of crude and of refined products. Canada is therefore locked into continual supplying of the American energy market, even if our national priorities change, as a result of shrinking supplies and an increased recognition of the need to move to conservation.

In addition, Canada is ending its requirement for upgrading of Canadian uranium for export to the U.S. (Annex 902.5, paragraph 2). We will therefore continue to mine this controversial and dangerous substance, but lose employment opportunities from the refining of it.

The Free Trade Agreement changes investment provisions, and the significant down-grading of review of takeovers of Canadian companies by American companies, will mean more American direct ownership of Canadian energy companies. (Article 16, Annex 1607.3) As government incentives for energy resource development are preserved by the deal (Article 906, American companies operating in Canada will be entitled equally with Canadian companies to subsidization for energy exploitation, and denial of equal subsidization to them is prohibited by the deal.

We will therefore, as Canadians, be in a position of subsidizing Canadian and American energy enterprises in an accelerating scramble for energy exploitation for export to U.S. markets, and will be guaranteed prices no higher than those charged to Canadians.

That the current government's policy on energy exploitation favours accelerated development is clear from the position of Energy Minister Masse in a speech delivered for him by his Parliamentary Secretary, Jack Shields, to a Toronto Energy Conference sponsored by the American Stock Exchange. Mr. Masse said that additions to Canada's oil reserves in the 1990's would come from large, capital intensive and risky projects in the country's northern and off-shore areas, as well as tarsands plants in western Canada.

"This is where true energy security lies - in the vigorous development of our resources for both domestic use and export, and in the creation of flexible and efficient markets that provide a diversity of energy commodities to meet Canadian needs".²

This is in keeping with the American government perspective on energy development, stated by James Tarrant, Minister-Counsellor for Economic Affairs at the U.S. Embassy in Ottawa, who told the conference that Canadians should adopt the pact because natural resources have an economic life and it is wise to maximize the benefits.

"Oil and gas will be a thing of the past at some time ..."³

The implications of the energy deal for the Canadian environment are substantial. Canadian governments, provincial or federal, are prevented from exercising any significant control over energy pricing and exports. Possibilities of conservation strategies and soft energy paths for the future are therefore effectively precluded. Future conservation strategies will be limited by the requirements to continue exporting to the U.S. market in the same proportion that we export now, and proliferating mega-projects will have their familiar environmental impacts.

Damage to Canadian fisheries, both off-shore and on-shore, are a matter of concern. In B.C., Alcan has just negotiated an exclusive use agreement for its hydro facilities on B.C.'s Nachaco River, threatening water supplies essential for Fraser River salmon stocks. The development of off-shore oil fields also commonly endangers surrounding fisheries.⁴

The massive mobilization of capital required for mega-project development depletes capital which would be otherwise available for regional economic diversification, resulting in a continuing dependence on energy exploitation, as well as increases in Canadian foreign debt. These projects typically

create little local employment, while having massive physical impacts on the geography and wildlife. They also prevent resolution of native claims, and undermine aboriginal rights to land ownership and use.

The energy elements of the deal are exactly the wrong way to go. Our governments should be investing in conservation programmes, the development of renewable energy sources, and regional diversification. Canadians need public policy planning oriented to Canadian domestic needs and long-term sustainability of these resources, and not the accelerated exploitation and sell-off which we can not anticipate. There is particular folly in the Mulroney government's position on energy that "our biggest program is not shortage, but abundance."⁵

In planning for energy security for Canadians, of present and future generations, abundant energy supplies constitute an enviable element of our national heritage.

III. Resource Regulation and Conservation

Chapter 4 of the deal, entitled Border Measures, appears to extend to all other goods, including all other natural resources, and the restrictions and obligations enacted with regard to energy. Articles 407 and 408 prevent minimum export requirements or export taxes which would make the price of any of our goods exported to the U.S. differ from the price charged domestically. Furthermore, Article 409 imposes the same prohibition against restrictions, in times of shortage or for purposes of conservation, that apply to energy products, that is, we must continue to supply the U.S. market with the same proportion of the natural resource we exported to it in the three-year period under conservation or shortage policies.

Various provinces of Canada have attempted to reduce our dependency on crude resource extraction by requiring local processing of the resource in the extracting region, leading to diversification, greater wealth production, and more stable employment. Examples include East coast and West coast fish processing, and prohibitions against the export of unprocessed timber.

Alberta has also sought local benefits from its resources by policies such as low-price natural gas provided to its petro-chemical industry in the 1970's and the establishment of the Alberta Heritage Fund from oil and gas royalties. Provinces have also required private interests to procure supplies locally for resource development.

Chapter 4 of the Free Trade Deal appears to preclude future provincial initiatives, including requirements on industry to locate processors near the extraction of the resource, and local procurement of supplies. Present Canadian provisions against the export of unprocessed logs and East coast fish are preserved in the deal, but can still be challenged at the General Agreement on Tariffs and Trades. These provisions will undoubtedly lead to accelerating pressures on primary resource extraction to achieve those degrees of economic stability which are now assisted by local processing and supply of resource extractors.

In Ontario, such policy limitations have significant implications for the current government's stated goal of diversification and strengthening of the economy of Northern Ontario. Taken together with the rights to be gained by American companies through national treatment under the deal, the Ontario government appears to be precluded from requiring, in the future, local processing of resources, use of local suppliers, or even, location in Canada of U.S. companies extracting natural resources.

The environmental implications of these changes are profound. We face significant restrictions on our options to develop conservation strategies for our resources, and will have to supply the U.S. market in the same proportions even in times of shortage. In addition, we are precluded from using resource pricing formulas (higher export prices) to raise funds for public policy goals in Canada. The energy and natural resource elements of the deal together mark a commitment to our current consuming society, rather than to a conserver society respecting the limits to development of the planet.

The power of the provinces to regulate natural resource development and use was constitutionally entrenched in Canada in Section 92A of the Canada Act in 1982. That section provides:

92A.(1) In each province, the legislature may exclusively make laws in relation to:

- a) exploration for non-renewable natural resources in the province;
- b) development, conservation and management of non-renewable resources and forestry resources in the province, including laws in relation to the province, including laws in relation to the rate of primary production therefrom; and, c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.⁶

Article 103 of the Free Trade Deal obliges the Federal government to ensure that provisions of the deal are given effect by provincial and local government. In our view, the limitations on provincial policy options in the area of natural resource regulation contravene the constitutional rights of the provinces for natural resource regulation. We note that the Attorney General of Ontario, the Honourable Ian Scott, has already raised concerns about the constitutionality of various elements of the trade deal.⁷ Beyond the issue of whether federal authority over international trade prevails over provincial powers outlined in Section 92A, we are concerned that the power to effectively regulate and conserve natural resource use in Canada has been lost to both levels of government, and that rapid market-driven exploitation of our resources will degrade our environment and deprive future generations of Canadians of economic environmental values.

IV. Fisheries

Canadian fisheries exports represent an economic success story, as we are now the world's top fish exporting nation, counting for 7 to 8 % of global fish trade. There are virtually no tariff barriers in Canada or the U.S. regarding trade in fish across our common border. The provisions of the deal noted above, particularly failure to protect the right to insist on domestic processing of Canadian fish, may lead to the loss of 5,000 direct and indirect fisheries related jobs in B.C. The deal specifically protects the East coast fishery for now but local processing of fish in that area too could be subject to future countervail action from the U.S. Again, elimination of local processing can only increase local pressure to increase extraction from fishing stocks, to provide employment. We share the concern expressed to you by George Tough, Deputy Minister of Natural Resources, that the right of national treatment accorded to U.S. business in the deal may also preclude any restriction on the movement of U.S. commercial fishermen into Canadian waters.

V. Agriculture

a) Agricultural Production

Commentators have argued that Canadian agriculture cannot compete successfully with American agriculture because of our shorter growing season, higher energy costs, smaller market with lower population densities, and greater distance of transportation.⁸

Even the MacDonald Commission argued that agriculture should not be included in a free trade deal because little gain for Canadian farmers would result. However, the U.S. wishes to expand its agricultural exports into Canada, as Canada had a trade surplus with the U.S. in 1985 for the first time in agricultural products. Although the deal does not now eliminate Canadian agricultural marketing boards, the Mulroney government supports the American position of elimination of these marketing boards at negotiations of GATT. Should the Canadian farm community be destabilized by provisions of the deal and the elimination of marketing board price stability, we should expect an increase in bankruptcies and greater penetration by agribusiness with its attendant environmental damage.

b) Harmonization of Agricultural Technical Regulations

The Canadian Environmental Law Association has a particular concern for the provisions of Article 8, Annex 708.1 and Schedules 4 to 8 pursuant to Annex 7.08.1. These provisions provide that technical regulations and standards for agricultural, food, beverage and certain related goods are to be "harmonized", defined as "made identical". The standards to be harmonized include animal quarantine restrictions, accreditation procedures for inspections, approval requirements for new goods and processes, and technical regulations, including "levels of quality, performance, safety or dimensions". Working groups will be established to harmonize standards on various agricultural issues, including veterinary drugs and fees, food, beverage and colour additives and "unavoidable contaminants", pesticides, and the labelling and packing of agricultural, food, beverage and certain related goods for human consumption.

Article 1402(9) read together with Chapter 16 on investment leaves ambiguity as to whether American service companies establishing businesses in Canada will qualify for subsidies now available to Canadian companies. The Canadian government did not succeed in arriving at a definition of subsidy during negotiations, although that was a primary goal in entering into the trade negotiations. Therefore, since American service companies now have the right of national treatment, and can operate in Canada, without necessarily being located here, Canadian subsidies for service industries may be obtainable by American companies not even located in Canada.

There is concern about lost employment in the service sector in such areas as data processing, American-managed health services in Canada, and a variety of services to be conducted in Canada but administered from the U.S.

Chapter 14 of Annex 1408 of the deal lists a number of services now open for American penetration, with direct environmental consequences. These include: soil preparation, crop planting, cultivating and protection, crop harvesting, farm management, landscape and horticultural services, crop preparation, livestock and animal specialty services, forestry services such as reforestation and fire-fighting, as well as mining services.

Annex 1014B, provides for national treatment of firms coming into Canada in the tourism sector.

Cumulatively, these provisions are likely to lead to declining employment in these sectors, and again, greater dependence on primary extraction of natural resources in the Canadian economy.

A further problem is raised by Article 2010 of the Agreement regarding monopolies, meaning:

Any entity, including any consortium, that in any relevant market in the territory of a Party, is the sole provider of a good or a covered service.

The Agreement prevents "anti-competitive practices" by monopolies, and compensates any enterprises which would be deprived of business opportunities through the establishment of the monopoly in any sector of the market. (Article 2010, paragraph 3)

A combination of the service sector provisions and the monopoly provisions reduces policy options available, for example, for diversification of the economy in Northern Ontario, or other resource dependent areas. Such strategies as locally based tourism development as alternatives or complementary to forest industry use of public lands, and local public authorities, for forestry or tourism, will be difficult to establish, if not impossible, under the deal. Such policies could lead to demands for compensation from American industries operating in that service sector.

A further question arises regarding current Ontario reforestation practices. Under Forest Management Agreements, the licencing system which covers 70% of forested lands in the province, the Ontario government subsidizes the holder of the licence to replant logged forest lands. This practice may be attacked by American forestry service companies as a "anti-competitive practice".

The deal provides for negotiations to expand the number of sectors of services to be opened up in the future. A capping of public sector initiatives through the "monopolies" provision, and the possible export of service sector employment permitted under the deal, foreclose numerous policy options that would otherwise be available for environmental protection.

VIII. American Trade Law and Environmental Protection Subsidies

Historically, American countervail and Anti-Dumping Duties laws have been used to attack Canadian production policies, primarily in the resource sectors such as fish, softwood lumber, shakes and shingles, and potash. The Free Trade Deal preserves the right of each party to use its trade legislation, and therefore preserves the right of U. S. industrial interests to continue to use its trade law to attack Canadian production. (Article 1902) For certain purposes, that law is actually incorporated into the Agreement (Article 1904, paragraph 2). The dispute resolution panel established under the Deal (Article 1904), can only make declaratory judgments about whether the applicable trade law was accurately applied in a given Countervail/Anti-Dumping Duty dispute, and it cannot reverse decisions made in the U.S. legal system on such issues. We must therefore expect that such disputes, initiated by American industrial interests, will continue.

The disputes all turn on the American concept of what constitutes "subsidies" in production. Since the Canadian government failed to obtain the all important definition of subsidy that it sought in these negotiations, the deal does not prevent American retaliation against such Canadian social policies as unemployment insurance for fishermen.

In Canada, government subsidies (incentives) have been used at both the federal and provincial levels to achieve environmental protection goals.¹³

Examples of such subsidies include:

- The Ontario Ministry of Environment's Waste Management Branch, Industrial Four R's Support Program for assistance with reduction, reuse, recover, and recycling of waste. Projects eligible for assistance include feasibility studies, new or expanded projects for reduction/recycling of waste, process or equipment modification, demonstration of new technology, upgrading operations and research.
- Canadian national D-RECT programs co-administered by Environment Canada and the Department of Energy, Mines and Resources, has provided funding for projects related to energy conservation, and development of innovative technology, including waste reduction and recycling projects.
- A Quebec program of financing for industrial recycling.
- A.B.C. program of financing for industrial recycling.
- A.B.C. program of technical assistance for consulting costs for productivity improvement.
- In 1981, DREE provided funds for pulp and paper mill modernization projects in the Atlantic region, Quebec and Ontario, to encourage pollution abatement and industrial modernization.
- Ontario subsidizes forest regeneration by logging companies.

Given the failure of the Deal to limit the application of American trade law to Canadian industry, the possibility remains that such subsidies as these will be attacked by American industrial interests as unfair subsidies to Canadian companies, resulting in a discriminatory advantage relative to American producers in a given field. American environmental protection initiatives have not included such "discretionary" subsidies as those outlined above. As such incentives have been an important part of initiatives for environmental protection in Canada, their elimination by market-driven forces would retard efforts for increase environmental protection.

IX. Impact on Native Rights in Canada

In 1985, over 120 land claims had been filed by native bands and were in process across the country. 14 Native claims for ownership of land and for traditional use of Crown land, typically places the native band in a position of conflict with development-oriented resource extracting enterprises. The acceleration of development of energy and natural resources, likely to be fueled by the Free Trade Agreement, will create increasing difficulties for resolving claims now filed, and will undoubtedly provoke further conflicts with traditional native land use in the future. It will provoke particular difficulty for native people asserting right to self-government, and attempting to define the parameters of authority to be accorded to native self-government.

X. Relation of the Free Trade Agreement to the Report of the National Taskforce on Environment and the Economy ¹⁵

On December 1, 1987, at the Conference of First Ministers in Toronto, Canada's first ministers endorsed this report, with comments from Prime Minister Mulroney that Canada must move toward "sustainable economic development ... to ensure that the utilization of resources today does not damage profits from the future" ¹⁶.

The Taskforce was comprised of 17 members from government, industry, academia, and environmental groups. They made 36 recommendations for the integration of environmental and economic planning, and commented as follows:

... governments will have to change the way they approach the environment and the economy. They must integrate the environmental input into decision-making at the highest level. Environmental considerations cannot be an add-on, an afterthought. They must be made integral to economic policy-making and planning and a required element of any economic development proposal. (Page 6)

Amongst the 36 recommendations made by the Taskforce are the following:

- 2.1 ... that Cabinet documents and major government economic development documents demonstrate that they are economically and environmentally sound and therefore sustainable.
- 5.3 Canada should explore and promote mechanisms to ensure that environmentally sound economic development is an important component in international discussions and negotiations dealing with development and trade ...

However, the following question to the government was placed on the House of Commons Order paper in the fall of 1987:

In 1987, what studies have been conducted to assess potential impacts on the environment resulting from free trade negotiations?

The government's reply was as follows:

The Free Trade Agreement is a commercial accord between the world's two largest trading partners. It is not an environmental agreement. The environment was not, therefore, a subject for negotiations nor are environmental matters included in the text of the Agreement. 17

Our analysis of the Free Trade Agreement indicates that it will have significant impacts on the environment, as do most economic development proposals. This deal is the government's blueprint for Canadian economic development for the future, and entrenches a market-oriented approach to economic decision-making which will accelerate resource development in Canada and put added stress on the environment.

However, there was no involvement in the negotiations by Canadian federal or provincial environment ministers, no government assessment of the environmental impact of the deal, and no opportunity for examination of these impacts or any form of public participation in the negotiations. In all these respects, and in the surrender of both provincial and federal powers to enact environmental protection through various policy alternatives, the actions of the federal government in negotiating this agreement are in direct contradiction with its claim to adopt the approach and recommendations of the report of the National Taskforce on the Environment and Economy.

Appendix A

Free Trade Agreement Chapter Seven: Activities

Annex 708.1, Schedule 7

Schedule 7: Pesticides

The Parties shall, with respect to pesticides:

- a) exchange analytical residue methodology and provide crop residue data for the use, including minor uses, of pesticides.
- b) co-operate regarding regulatory review of data on registered older chemicals;
- c) work toward equivalent guidelines, technical regulations, standards and test methods;
- d) work toward equivalent residue monitoring programs;
- e) work toward equivalent technical regulations, standards or certifications for those pesticides selected by the Parties; and

- f) work toward equivalence in:
 - i) the process for risk-benefit assessment,
 - ii) tolerance setting, and
 - iii) the setting of regulatory policies with respect to oncogenic pesticides.

(Appendix B - Article entitled "Reagan's EPA: working on killer resumes" from the publication "In These Times Jan. 27-Feb. 2, 1988" and a list of sources from which the information in this report was obtained, appended to the foregoing Brief, is on file in the City Clerk's Department)

(May 27, 1988) from Herman Stewart, Manager of International Ladies Garment Workers' Union)

I am here to speak on behalf of the 38,000 Ontario garment workers in Ontario, 14,000 of whom work in the City of Toronto. The ILGWU represents garment workers across Canada and the U.S. We organized our first local in Toronto back in 1906 and hence have one of the longest histories of any trade union in Toronto. This long and rich history is however threatened by the free trade deal.

We are bitterly opposed to the Free Trade Agreement as unionists and as representatives of the garment industry. This deal threatens to destroy the domestic clothing industry in Toronto. We are fighting for our very existence.

The clothing industry in Toronto employs 14,000 workers, making it the largest manufacturing sector. The industry is worth protecting as its demise will throw thousands of immigrant women out of work. Most of these women speak English as a second language and have been able to make a decent living working in the garment sector in Toronto. The free trade agreement puts their only livelihood at stake.

The Canadian clothing industry is currently protected by high tariff barriers. The average is 22%, which varies on fabric composition and type of garment. This deal will mean an increased volume of American imports into Canada that will provide further competition to our already beleaguered clothing industry. Canadian domestic garment production is already only 60% of the market and will fall fast once the tariff reductions begin in 1989.

The American industry is ready and well-equipped to compete against our Canadian garment business. Since the American textile industry is one of the most efficient textile producers in the world, the garment manufacturers have cheaper inputs than Canadian manufacturers. The rules of origin of fabric to qualify for duty free access to the U.S. removes Canadian distinctiveness which manufacturers had believed might give us some room to compete in the United States. The duty remission scheme announced in March by Michael Wilson does nothing to help. In fact the announced scheme was a complete sellout to American textile interests who lobbied hard to stop the intentioned duty remission scheme which would have lowered the costs of importing fabric for Canadian garment manufacturers. The few aims offered in this package exclude the Toronto manufacturers.

The sellout to American textile interests is an ominous warning to all Canadians. Supporters of the trade deal argue that Canada has not been traded away and that the economic benefits will help all Canadians. The shell of the duty remission scheme announced in March refutes this argument. The Mulroney government is continuing to renegotiate this deal by giving away more and more of our rights to American interest groups. Not only did Mulroney completely bend to the threatening voices of the American textile lobbyists, he did so on the backs of immigrant women garment workers. This is an example of more things to come. Canada will no longer be able to make any economic strategies without gaining prior approval from the United States. Indeed Canada has been traded away.

In addition to the textile advantages, American garment manufacturers can make use of economies of scale through huge production runs from giant garment factories located in Southern States. These giant garment companies are of course located in the 6 southern states where there is no minimum wage and anti-union labour legislation which makes unionization practically impossible. A smart Canadian garment manufacturer who wants to survive in this free trade market will simply relocate to the South U.S. to take advantage of the cheap labour supply there.

Where does this leave the garment workers in Toronto who are mostly immigrant women? It leaves us out of work as we lose our jobs to the women in the south who because of lack of opportunities and less government support have to work for less. The free trade deal pits workers against workers. Unionized workers in Toronto will quickly lose our jobs as a wage of \$9.000 per hour will be very uncompetitive with workers earning only \$3.00 per hour in the south with no union benefits and no pension.

We are currently estimating that as many as 2/3 of Toronto's garment workers will lose their jobs over the first few years of tariff reductions. The dislocation and effects on these women's lives will be enormous as they are thrown into unemployment after working very hard for many years in Canada. The remaining 1/3 of garment workers who are lucky enough to keep their jobs will be subject to substantial downward pressure on wages and working conditions to "remain competitive" with the giant plants in the South. This downward pressure has begun already as unionized manufacturers are starting to argue for contract reopeners and significant concessions in Montreal and Toronto. Many factories are completely giving up the ghost now, rather than wait for the reduction of tariff barriers. Garment closures have increased 7 times in 1987 from the rate of 1986, and 1988 closures have outpaced the rate of 1987. Hundreds of Toronto garment workers have already lost their jobs to plant closures.

The free trade deal means lower wages and lower unionization rates for immigrant women. The deal means less job security and less economic self-reliance. The deal means not just tying our economic future to the United States, but severe stress on Canadian women garment workers. Mulroney is not just selling Canada down the road, but is doing so on the backs of immigrant garment workers. If this deal is allowed to go through it will be a very dark future for the City of Toronto, for its immigrant population and for all Canadians who believe in building a just and humane society where people's needs are served first. I urge the City of Toronto to do everything in its power to help stop this deal so we can continue to independently create our own innovative economic strategies that will benefit Toronto garment workers and all Torontonians. For our future, we must defeat this free trade deal. We are urging the Economic Development Committee to do everything in its power and to be outspoken in its condemnation of this deal. The free trade agreement has put our very future at stake.

Thank you for your time and attention.

(May 26, 1988) from Mike Boychyn, 29 Calumet Crescent, Scarborough)

Your interest in Canada's trade and its effect on one of our largest cities and particularly Toronto must make it very obvious to all that the growth and development of our towns and cities is very dependent on the prosperity of our surrounding communities and our country Canada as a whole. The grants that are forthcoming in the team effort of city development from our provincial and federal governments depend on this prosperity. When a country that has prospered and by all accounts should continue with good planning to prosper. When our country starts to predominate in the way of financial restraints instead of expansion of our services such as education hospitalization and social considerations instead Canadians are being hit with a guilt complex. Such is the time to bring into question the financial management of our governments especially our predominant federal government! Is our capitalist economy working in the interest of conveying earned benefits to our productive population or are we merely cornering and diverting our financial wealth to inconsequential uses.

The concerted attempt on the part of the promoters of Brian Mulroney's trade deal at great expense to Canadian taxpayers, to isolate and belittle Ontario's Premier David Peterson in telling Mr. Peterson not to speak his mind and concerns only belittles Mr. Mulroney. Let me pose a hypothetical question here to all Canadians; What should Canadian citizens do if at some future date we elected a government and found after being elected our hypothetical government turned out to be subversive not at all interested in Canadian wellbeing, do we tolerate such a government for the full duration of its tenure? It could happen; here, we are only asking for an election is that too drastic a consequence?

Premier Peterson, and I believe most Canadian citizens are taking a courageous attempt to stem the onslaught of this Mulroney trade deal by whatever action including possible court action. This action is necessary if for no other reason than to show historic objection for a deal that was not part of election consideration therefore the electorate should decide such major destiny. Premier Peterson and all opponents that are becoming aware that this deal is giving away Canada's resources instead of turning our resources into Canadian goods. Mr. Mulroney's battle cry "We need access to larger American markets" What will be left to penetrate those markets with? In this process we have not been able to hold onto our own consumer market. How in "H" do we hope to capture American know-how? We will be like the fabled dog that saw his shadow in the water in crossing a fallen log, he took to be another dog with a bone in the process of snatching the other dog's bone he dropped his only bone into the water that was fast flowing south!

World history has recorded many other ambitious nations that dreaded of international and continental ambitions some of them not very reputable. Nazi Germany had far less patience than such ambitions required and in spite of elaborate organization of even a fifth column to undermine internal objection in targeted countries. They always preached for the greater good of all concerned. Fortunately such subversion and military ambitions were thwarted at great human sacrifice. Canadians are fortunate in that we still have political solutions in our quest to thwart foreign ambitions. Canadian independent pursuit and objectives have achieved an enviable reputation that continentalism would completely obscure, both at home and on the international scene.

Tariffs and subsidies are not the international crime that Mr. Mulroney would have Canadians believe. Subsidies are a portion of the price structure that is not a part of the cost of production. The reason subsidy has not been defined in our present trade agreement is because profit is also within the definition of not being in the cost of production or a misdirected subsidy to the receivers. A very sensitive area for definition. Tariff and subsidy are mutually agreed on out of consideration for the potential help to be derived from an undeveloped area. All initial developments require subsidized financing and assistance. Government conveyed tax money to either private or public enterprises. Just as nature has provided that children from birth be assisted and nurtured before they can add to all our support to even surpass our achievements. Such financial support to our underdeveloped areas and industry would fall by the wayside in the unrelenting and unregulated international competition. We would eventually become the savages of the bottom line mentality. By trying to gang up on Premier Peterson and other and belittle Peterson for singling out the grape growers and the wine industry these may only be the best test case in court trial and does in no way mean other industry would be less effected or thought of.

Our Federal Government of Brian Mulroney is becoming too desperate in the pursuit of this trade deal to admit the end results of his negotiations have turned out completely different from original concepts. Mr. Mulroney has become so aggravated he is striking some very low blows that do no one any good. We can always point to a handful of our more formidable investors who may be successful initially in the United States ventures their numbers will remain like the odds in a lottery for every one winner there are too many losers. Let us all end by calling for election to resolve all our major differences.

(May 26, 1988) from Bruce Wilson, Council of Canadian Honorary Directors, Energy Advisor for the Consumer Association)

Thank you for this opportunity to participate in this forum.

1. Difficult to cover a complicated topic such as energy in 5 - 10 minutes - only touch on the highlights of the energy provisions of the FTA.
2. Canadians take energy security of supply for granted. We have been lulled into a false sense of security by oil industry and the laissez faire policies of the federal government "Hands Off".
3. The Canadian economy and the Toronto economy are highly dependent on large volumes of hydrocarbon oil and gas fuels to keep it operating. Only 2/3 of our energy supply comes from oil and gas.

4. These vital Canadian energy sources come from reserves stored in the earth's crust which are finite in magnitude, limited in size and rapidly depleting. For example, Canada's conventional oil reserves peaked in 1969 at 10.5 billion barrels and are now down to about 4 billion - a drop of over 60%. All authorities forecast the decline to continue to effectively - total exhaustion. This depletion has been caused by production for Canadian needs plus high exports to the U.S.
5. "Canadian" oil industry is dominated by multi-national corporations mainly U.S. Energy policy in Canada has been dictated by these major corporations, particularly in recent years. Alberta has aligned itself with the oil companies and has promoted maximum exports to the U. S. of these non-renewable energy supplies.
6. Current daily crude oil exports of 700,000 barrels and natural gas exports of 2,500 million cubic feet are rapidly draining Canada's remaining oil and gas reserves. Non-biased NEB studies show the precarious nature of the energy supply outlook for Canadians.
7. The eastern 1/3 of Canada, Quebec and the Atlantic provinces are already largely dependent on (uncertain) foreign oil imports. Ontario can be expected to be similarly dependent in the years to come as Canada's remaining reserves are depleted under the terms of the Free Trade Agreement.
8. Not only does the FTA give the U. S. unfettered access to Canada's remaining oil and gas, it also ensures the U. S. that when the shortages hit - and such shortages are inevitable, only their timing is uncertain - Canada must continue to provide the U. S. with an amount of Canadian production proportionate to its average take during the previous 36 months.
9. This provision guarantees that future energy shortages will be worse in Canada than in the U. S., despite our much harsher climate and our need for larger per capita supplies.
10. We don't have time this evening to get into the global outlook for energy supply - particularly that for crude oil. Suffice to say that the U. S. itself is in even worse shape for indigenous domestic oil supply than in Canada - probably 85%. The U. S. has chosen to go the military route to maintain its access to the oil reserves of other nations. That is the reason for the presence of the U. S. 6th fleet in the Indian Ocean and U. S. warships in the Persian Gulf. It must maintain beginning over in the middle east where most of this earth's remaining reserves are located. With the FTA, the U. S. has cemented its control over Canadian oil and gas without firing a shot. Canada will be irrevocably committed to a continental energy policy, with the "dominant partner in the driver's seat.
11. The FTA preserves U.S. control over Canada's oil and gas production. Because it completely ties Canada's hands in the pursuit of an independent energy policy to protect the needs of Canadians, it should be defeated.

(Graphs appended to the foregoing communication are in file in the City Clerk's Department)

(May 26, 1988) from John Lang, Secretary Treasurer, Confederation of Canadian Unions)

On behalf of the 6000 members of the Confederation of Canadian Unions who live and work in the City of Toronto, I am urging Toronto City Council to oppose the Free Trade Deal that the Mulroney government has agreed to with the United States.

Our members work in the textile, service, communications and construction industries and, in our view, all will be adversely affected by this deal.

The Free Trade Agreement amounts to much more than the reduction of tariffs on goods and services crossing the border. It is a far reaching and deceptive document that will fundamentally alter every aspect of our economic and social system.

In industries such as textiles, it will put hundreds of our members out of work. Most of these workers are women, often recent immigrants to Canada, who have had to struggle hard for the modest wages that they now earn. Promises, by the proponents of the free trade deal, of job training and adjustment programs for these workers are really a cruel joke. These workers will never qualify for such programs - even if they do materialize. The certain reality that they face, as a direct result of the Free Trade Agreement, is unemployment or work in even lower paying, unorganized jobs.

It makes me angry when supporters of the Free Trade Agreement argue that we should not be overly concerned about the loss of textile industry jobs because they are low paid and challenge us to join them in their "leap of faith" that new, cleaner, more interesting jobs will be created in services. Let me point out that the Social Planning Council of Metro Toronto, in its current study of Toronto's Labour Market, calculated that "between 1983 and 1985, in the Toronto Census Metropolitan Area, ... wage earners in the service sector made about 60% of wage earners in manufacturing over the same period."

For municipal politicians, the Free Trade Deal will mean that you will face increased pressure for tax concessions and other handouts from businesses and corporations threatening to relocate anywhere in North America if their demands are not met. The direct consequence of such corporate blackmail will be that municipal projects that enhance the public good - parks, recreation facilities, child care - will be cut back or eliminated.

Never in our history, has a political undertaking with such profound consequences for every individual Canadian and the future existence of our country been enacted with such disregard for democratic procedures. The Prime Minister, and virtually all his senior cabinet members, presented themselves to the electorate as being opposed to free trade with the United States. When the Agreement was tabled in the House of Commons last fall, only those who were invited had a chance to express their views to the Parliamentary Committee studying the deal. Our national television networks have shied away from suggestions that a televised debate should be held on the issue. I find it somewhat sad that it is municipal politicians, trying to get a handle on how this deal will affect their constituents and the municipal tax base, who stand almost alone in inviting the public to express their views.

There is an alternative to inextricably integrating our economic and social systems with that of the United States - which is the certain consequence of the Free Trade Agreement. This alternative vision is based on a sound understanding of the real limits of a market driven economy, on confidence in our ability as a nation to trade world wide and to use the wealth that is generated from this economic activity to continue to build a humane, sharing and civilized society.

The Confederation of Canadian Unions is strongly opposed to the Free Trade Agreement with the United States. We urge Toronto City Council to oppose this deal and to demand that the Mulroney government hold an election on the issue before proceeding any further with the deal.

(May 26, 1988) from Scott Sinclair, Coalition Against Free Trade)

The Coalition Against Free Trade is a broad-based coalition of organizations which has been organizing against the free trade deal for over two years. The Coalition brings together members from the country's churches, trade unions, cultural organizations, the women's movement, seniors' organizations, environmental groups, farmers, peace groups, nurses, teachers, anti-poverty groups and others. (membership list attached)

You will hear from some of our members tonight. In the short time that we have, we would like to debunk a few common myths about the "free" trade deal.

Myth 1. "The free trade deal gives Canadian exporters protection from U. S. protectionism.

This claim is unfounded. The Agreement eliminates all tariffs over a period of ten years. But it is important to bear in mind that Canada has substantially higher tariffs than the U. S. and that Canadian industries will therefore bear the greater burden of adjustment. At the same time, potent U. S. trade remedy laws remain fully in force - indeed they are incorporated into the Agreement. While Canadian companies will face heightened competition in the domestic market, they have not gained secure access to the American market. How beneficial will reduced U. S. tariff barriers be to Canadian companies if any increased access to the U. S. market can be countered by new U. S. trade remedy actions?

Myth 2. "The Canadian health care system is unaffected by the free trade deal."

In the health care field, Canadian consumers and provincial governments will pay higher drug prices because of Bill C-22, the new regressive drug bill, which was one of Canada's downpayments in free

trade negotiations. Chapter 14 of the Agreement also gives U.S.-based, "for-profit" firms the right to manage many Canadian health services (for example, public and psychiatric hospitals, ambulance services, nursing homes, health clinics.) U. S. firms are also given the right to commercially operate, not just to manage, blood banks and health laboratories. Canada's universal medicare system provides more efficient, affordable, and higher quality medical care than the private American system. Under free trade as U. S. health care providers are given national treatment and right of establishment in Canada, we will move toward the clearly inferior, profit-oriented American model. Furthermore, there is no assurance in the Agreement that U. S. companies, who have to absorb the higher costs of private health insurance, will not challenge public health insurance as an unfair subsidy. Clearly, health care is affected in many negative ways.

Myth 3. "The free trade deal is purely a trade deal, which falls 98% within federal jurisdiction."

The Agreement, if enacted, will severely restrict the activities of federal, provincial, and local governments. The deal restricts public policy and regulations in many areas not exclusively under federal jurisdiction such as energy, resource pricing and management, and in services: health care, financial, insurance and real estate, transportation, forestry, mining, professional accreditation and more. If the F.T.A. implementing legislation now before Parliament is passed, it will amount to a major constitutional shift in Canada.

Article 103 of the Agreement commits the federal government to "ensure that all necessary measures are taken in order to give effect to its provisions, including their observance ... by state, provincial, and local governments." There has been little consideration of how this might affect the authority and activities of local governments. For example, Article 1602 requires that American business enterprises be accorded "national treatment." Does the City of Toronto have any programs or by-laws which favour local and Canadian-owned foreign ones? If the City were to ask an American-owned company to buy or employ locally in order to get approval for a project, this would appear to be contrary to Article 1603 of the Deal which prohibits "performance requirements." What of regulations which require an American-owned developer to provide a recreational centre or affordable housing as a condition for approval of a project? These questions, and many others impacting on municipal governments, need to be answered.

Because our time is limited, we have raised only a few of the Coalition's concerns. The breadth of our concerns is attested to by the diversity of our membership.

This deal, if enacted, will make it much more difficult for governments - federal, provincial and local - to respond to the rapidly changing needs of Canadians. We are convinced that it will make Canada a less just, a less democratic, and a less caring society.

The Coalition strongly urges this committee and City Council to take a position against this Deal and to join many other elected officials and ordinary Canadians calling for a federal election to let Canadians decide their future.

*Coalition Against Free Trade
Membership Organizations*

United Church of Canada
GATT-fly, interchurch coalition for economic justice
(United Roman Catholic, Presbyterian, Anglican and Lutheran churches)
Jesuit Centre for Social Faith and Justice
National Action Committee on the Status of Women
Organized Working Women
Voice of Women
Women Working with Immigrant Woman
Women Against Free Trade Campaign
National Farmers' Union
Toronto Disarmament Network
Canadian Environmental Law Association
Alliance of Canadian Cinema Television and Radio Artists

The Writers' Union of Canada
Toronto Arts Council
Playwrights' Union of Canada
Artists' Union
Toronto Theatre Alliance
Second Look Community Arts
Council of Canadians
Ontario Coalition of Senior Citizens' Organizations
Canadian Council of Retirees
Mississauga Citizens Against the Free Trade Deal
Nurses for Social Responsibility
South Riverdale Community Health Centre
Ontario Public Interest Research Group (Ottawa)
Basic Anti-Poverty Group
York Interagency Network
Ontario Teachers' Federation
Ontario Secondary School Teachers' Federation
Ontario English Catholic Teachers' Association
Federation of Women Teachers of Ontario
Ontario Federation of Labour
Canadian Auto Workers
United Steelworkers of America
United Electrical Workers
United Food and Commercial Workers
Brewery, Malt and Soft Drink Workers
Communication Workers of Canada
Confederation of Canadian Unions
Labour Council of Metro Toronto
Ontario Public Service Employees Union
Public Service Alliance of Canada
Canadian Chemical and Textile Workers' Union
Canadian Federation of Printing Trades Unions
Toronto Typographical Union
Canadian Union of Public Employees, Local 1582
Iron Workers Union, Local 721

(undated) from Pat Clancey, Area Director, Canadian Auto Workers)

Free Trade and Jobs

"We'd be swamped. We have in many ways a branch-plant economy in certain important sectors. All that would happen with that kind of concept would be the boys cranking up their plants through the United States in bad times and shutting their entire branch plants in Canada. It's bad enough as it is."

Brian Mulroney
Federal Progressive
Conservative Leadership
Hopeful, 1983.

Ignoring his own earlier warning, the Prime Minister and his government are now telling us that free trade will not only make existing jobs more secure, but that it will bring us hundreds of thousands of new jobs.

Will it in fact give Canada secure access to the U.S. market? Will it mean jobs, jobs, jobs for Canadians?

No Secure Access

The Americans did not enter the free trade negotiations asking what they could do for Canada. Common sense tells us that the U.S. would not give up the right to act in its own best political interests just to place Canada.

In fact, Canadians did not get secure access to the U.S. market. Under this agreement, the Americans still have the ability to retaliate against what they view as unfair Canadian actions.

For example, exports to the U.S. of the more competitive Canadian steel have been restrained. Will the deal now mean an open market for Canadian steel. Not so says U.S. chief trade representative, Clayton Yeutter.

According to the authoritative publication inside U.S. Trade, "Yeutter assured members of Congress that the FTA (Free Trade Agreement) would not impair the U.S. right to curb imports of Canadian steel".

The new vehicle for resolving trade disputes can only rule on whether or not the U.S. or Canada violated their own laws. And the U.S. can still create new laws to protect its own industry. This deal does not give Canadians access to the U. S. market.

The U.S. wants to include Mexico in the free trade deal. This would put Canadian workers more in competition with Mexican workers, where manufacturing wages are less than in the third world.

What about job promises?

Economic studies that promise new jobs are based on some questionable assumptions. Even these studies have steadily reduced their forecasts of the impact over the next ten years:

Government Predictions

One year ago	500,000 jobs predicted by Prime Minister
Before Christmas	350,000 jobs
January, 1988	240,000 jobs
Recently	150,000 jobs

In the last three months of 1987, more jobs were created (159,000) than this latest ten-year forecast of jobs under free trade.

In a 1986 proposal, the mayors of Canadian municipalities promised to create twice as many jobs, in half the time. Their plan was not some abstract economic model, but direct investment in unmet Canadian needs across the country; improving roads, expanding hospitals, building schools, dealing with waste disposal and water treatment, cleaning up the environment, etc.

Common Sense

Where are the jobs that will be created? - in what part of the country? In what sectors of the economy? How many job guarantees for Metro Toronto? No answers yet!

The U.S. has secure access to its own market, but this hasn't solved its economic problems. The U.S. has a large trade deficit and has lost about two million manufacturing jobs in the 1980's.

The agricultural implements industry is an example of free trade between Canada and the United States. Unlike auto, it has no safeguards. Since 1944, when free trade came to agricultural implements, there has been a large deficit on Canada's side every single year.

Canada has a branch-plant economy with little research and development of its own. How will we magically succeed in competition in high tech sectors without having a strong manufacturing base already in place?

Northern Telecom, one example of Canadian success in a high tech industry, only succeeded because it has a guaranteed market (Bell Telephone) and government subsidies. Free trade, however, will make such future strategies legally impossible because of its emphasis on leaving things to the so-called "free market".

Free trade also could mean the closing of the Scarborough G.M. Van Plant.

- the plant is landlocked from expansion;
- the changing value of the Canadian dollar;
- the jeopardy the auto trade agreement has been put in because of the reduction of tariffs under the free trade agreement.

All are major factors in its ability to stay in business.

This is how the Bank of Nova Scotia (in a leaked study) sees prospects for job creation in Canada under free trade:

“Beyond resources, all other sectors are major losers.”

(Globe & Mail, January 25, 1988)

In public the BNS echoes the rest of the business community by calling the deal: “An absolutely super development.”

“Restructuring”: Unemployment by any name

Even the Mulroney government admits that to adopt to the new trade deal the Canadian economy will undergo a major “restructuring”. Restructuring is a sanitized word for people being thrown out of work, as some businesses fail or lay off employees.

The search for a new job can be agonizing. This is especially tough for older workers. If the new job is in another city, this can mean uprooting the family, having a spouse leave a secure job, leaving extended family and community ties behind.

A government study of the impact of restructuring on auto workers who permanently lost their jobs in the early eighties found: on average, these workers went 27 weeks before getting new employment, and their new jobs paid 35 per cent less than their old jobs.

Free trade means leaving decisions about jobs and investment up to business. Like deregulation, airlines have pulled out of many small communities. Workers with decent-paying jobs at a large airline face a choice; to stay in their community at a low-paying, non-union job with a small, commuter airline, or to follow their job with a major airline to another city. For many workers, especially women, moving is not just undesirable, it is impossible.

In light of what we have said above, and the depositions by the many other interested parties against free trade, the CAW would recommend this Council go on record as opposing free trade legislation.

(May 26, 1988) from Dan Heap, M.P., Spadina Riding)

Thanks for inviting me to speak. I came to listen, because what I can do as representative of Spadina in Parliament depends very much on hearing what the people of Spadina and Toronto say about the Mulroney-Reagan trade deal.

However, I am glad to add two short comments.

First, I congratulate Toronto City Council and this Committee on providing this forum and offering leadership in this debate. Toronto Council broadened its scope of interest in the well-being of Toronto people, and in the eighties you have broadened it further.

Second, the clearest principle that I have heard voiced tonight, in opposition to the Mulroney-Reagan trade deal, is the principle of cooperation. Canadians have been working out a way of life that aims at cooperation rather than mindless competitiveness. The Mulroney-Reagan trade deal is a throwback to the centuries of ruthless competition. I believe Canadians are joining forces to say “no thanks, we’ll continue to build a cooperative community”. Your Council is helping along that way.

In closing, I heartily agree with those who have said we need an election soon on this issue. I believe Canadians are ready to make a decision, by the ballot, on the biggest issue to come before us for generations.

(May 26, 1988) from The Labour Council of Metropolitan Toronto)

For 18 months, the debate on the Mulroney-Reagan Free Trade Deal has raged, and continues to do so because of the importance of the decision about to be made. Canada has two possible futures. If the deal is passed, we will see a future where public policy decisions are made strictly on the basis of maximizing private profit, in line with the needs of the American economy. Alternatively, we can have a future which strengthens the ability of Canadians to control their own society to meet their needs. In the final months of this historic debate, it is important that the City of Toronto make a decision and influence the outcome.

I am strongly urging you to make a decision which says that this deal is bad for Toronto and it is bad for Canada. Over the last year and a half it has been instructive to watch changes in the sides of this debate. As soon as initial discussions on the deal began, the Labour Movement, the Farmers Union and many activists and concerned citizens were immediately opposed. They have been joined by major women's groups, church groups, most cultural groups, peace groups, teachers organizations, seniors, nurses, and environmental groups, who have all formally expressed opposition to the Trade deal. This has created the broadest coalition of citizens groups in the history of this country.

Originally, the Consumers Association of Canada was a supporter of Free Trade. But they seriously limited their endorsement when they realized that benefits for consumers would be negligible. The Economic Council of Canada, a strong ideological supporter of Free Trade, originally predicted that Free Trade would create 350,000 new jobs. A second evaluation, after the details of the deal were known, reduced their projection to between 76,000 and 250,000 jobs over five years. The Department of Finance is now at 120,000. Even if this were true, and there are some very significant reasons to believe it is not, 25,000 new jobs per year is a very small benefit for the admitted weakening in our ability to control foreign investment, control our energy supplies and direct our resources to help Canadian industries.

The Federal Government says that their deal has gained access for Canadian goods to the American market. Yet within the last month, the American Congress has passed an omnibus Trade Bill which will make it harder for all goods, including Canadian goods, to enter the U.S. market. While President Reagan has vetoed this Bill, the procedure graphically illustrates that there is no assurance of access to the American market. This stated benefit has been exposed for the sham that it is.

Recently, the Municipality of Metropolitan Toronto commissioned a major independent report on Municipal Economic Development strategies. In the background document the consultants analyse 10 sectors that are major employers in Metro Toronto's economy. They indicate that 7 of these 10 sectors, automotive, building products, chemicals, computer hardware and software, fashion and clothing industries, food processing, and publishing, will be harmed by Free Trade, that is, will have a decrease in employment. Of the other three (Headquarters, Finance, and Aerospace), one has to wonder why a Canadian location would become a major site for North American Headquarters when Canadian locations do not have full access to the American market. It makes more sense to assume that the threat to Toronto is that we will go from being a major centre in a national economy to a regional sub-centre in a North American economy.

Our financial sector is one of our strongest because it has been one of our most protected sectors for years. The Free Trade Deal makes it possible, for the first time, for our banks to be totally owned by Americans. It opens all of our financial institutions to full competition from American companies. Bank employees are very concerned that, as we become increasingly integrated into one American market, 10,000s of thousands of data processing and office jobs will gradually be shifted south and Canada will be served 'over the wire'. Financial institutions themselves only expect to do well under Free Trade because they hope Free Trade will help the economy. Unfortunately, most sectors appear likely to be harmed by the deal leaving the future of the finance sector in doubt.

Aerospace stays largely under government protection because the trade deal allows either government to discriminate in favour of their ward industries.

The Economic Development strategy put forward in the Metro Toronto report is a pale attempt to follow the lead set by the City of Toronto. While the Labour Council would be the first to argue that

there is much more that can be done, we have also said many times that the City's actions, many initiated by this Committee, give some indications of how a Municipal Government in Canada can help a local economy. You have drawn up plans to favour local business, given preference to socially beneficial hiring practices and given yourself a tool, in the Economic Development Corporation, which can be used to effectively facilitate the development of the local economy. The City of Toronto and now Metro Toronto have both recognized the necessity and desirability of Governments taking an active role in helping industry grow in their areas. At the same time the Federal Government is going in a diametrically opposed direction. The Trade Deal consciously weakens the power of the Federal Government to aid Canadian industry, to undertake activities which would demand that investors give jobs or performance guarantees that would benefit Canada, and to give preference to our national economy. The deal also says that the Federal Government will ensure that the Provincial and Municipal Governments will operate within the same legal limits. While it is not yet clear what exactly this will mean for Provinces and Municipalities. On the surface it appears to put the brakes on some of the initiatives you have been taking.

The last comment I would like to make is how this Trade Deal will likely affect the kind of City we live in.

An increasingly clear trend in Toronto is the decline of good, well paying, secure jobs and their replacement by low wage, temporary, part-time work. In the midst of an economic boom, working families find it almost impossible to make ends meet on one income or to think of buying a home. Expanding soup kitchens and food banks are the worst manifestation of this new poverty.

We believe that the Free Trade Deal will strengthen these harmful tendencies. It will increase the erosion of our manufacturing base. Decreasing tax revenue and pressure to "harmonize", the word used in the Free Trade agreement, with the U.S. will weaken our public sector.

Manufacturing and public sector jobs are among the best for working people. To the extent that they are replaced it will be with warehousing jobs, privatized service sector jobs, and jobs increasingly operating in line with American Labour practices, wages and benefits.

A City with no strong middle income base is a disintegrating city. People will not have the security or opportunity to buy homes, fix them up, establish themselves in neighbourhoods or plan families. We will see greater family tension, poverty and violence. The Free Trade Deal offers no future for the working people of Toronto, and ultimately for the community they live in.

This Trade Deal is bad for the City of Toronto. It is bad for Canada. We strongly urge this Committee and City Council to take a position against it.

(Executive Summary from the Government of Ontario Background Paper dated May, 1988, on "The Question of Secure U.S. Market Access in the Canada-U.S. Free Trade Agreement")

Canadian producers rely heavily upon export markets, and the importance of the U.S. market to Canadian exporters has grown substantially over the last few decades.

International trade liberalization in general, and secure access into the U.S. Market in particular, are important to ensure continued growth for the Canadian economy.

The rapidly changing structure of international competition for export markets, the decreasing importance of the import tariff as a tool for domestic market protection, and the substantial U.S. trade deficit, have all led to an increased use of trade remedy laws by U.S. producers and the U.S. government since 1980.

An examination of previous cases shows that the use of U.S. trade remedy laws by American-based producers has adversely and disproportionately affected Canadian exports such as natural resources, agriculture, and certain manufactured and steel products. These trade actions (e.g., softwood lumber, fish, potash) have implications for regional economies.

The threat or use of U.S. trade laws can influence the investment decisions of domestic and foreign investors, especially whether to newly invest or expand on present production facilities in either Canada or the U.S.

The Canadian Federal government initiated trade discussions with the U.S. in order to achieve the principal objective of secure access for Canadian exports into the U.S.

A market access evaluation of the Canada-U.S. Trade Agreement, as signed on January 2nd, 1988, indicates that:

- i) while overall U.S. market access for Canadian exports is enhanced through U.S. tariff reductions, there appears to be little gain of new market access into the important U.S. government procurement markets.
- ii) as to the principal goal of secure U.S. market access, there appears to be little change from the status quo. Neither the present rules governing antidumping (AD) and subsidy/countervail (CVD) investigations nor the administering bodies are affected in any way by the Agreement. The new binational dispute settlement Panel for these cases, while potentially advantageous in that it might accelerate the present judicial review process, does not possess any increased power or differing review mandate than the present system. With the exception of safeguard measures, all other U.S. trade remedy laws are not affected by the Agreement.
- iii) it is not clear that enshrined U.S. market access was achieved. Retaliation as a remedy in instances of non-compliance does not reflect the relative political and economic disparities between the two countries. Moreover, there are serious concerns over the degree of allowable provincial involvement in the resolution of bilateral disputes, particularly whenever such bilateral disputes involve areas of provincial responsibilities.

Overall, the inability of the Agreement to secure meaningfully U.S. market access in effect maintains the present vulnerability of Canadian exports to U.S. trade remedy laws, and would not appear to reduce it in future.

For Canadian-based companies the increased level of access into the U.S. market resulting from the Canada-U.S. Trade Agreement would largely be due to U.S. tariff elimination. The potential economic benefits from this increased level of access, however, could be offset by trade remedy actions that prevent Canadian industries from competing effectively in the U.S.

This lack of secure U.S. Market access would appear to make vulnerable the corporate strategies of Canadian-based companies aiming to benefit from any increased U.S. market access that would result from the Agreement. As well, potential government programs and policies which attempt to facilitate needed private sector restructuring and adjustment to current changes in multilateral and bilateral trade patterns and sources of competition would remain vulnerable to U.S. trade actions.

The Agreement does not provide Canada with an exemption from future changes to most U.S. trade laws. The value of the limited exemption from future changes in U.S. AD and CVD laws is dramatically curtailed by the absence of an effective enforcement mechanism.

The U.S. Omnibus Trade Bill, recently passed by the U.S. Congress, serves as an example of the inability of the Canada-U.S. Trade Agreement to protect Canada from either present or future changes in U.S. trade laws. As such, it highlights the inadequacy of the market access provisions in the Agreement.

Planned future negotiations to develop new bilateral rules and procedures governing AD and CVD investigations would likely, if successful, require further concessions by Canada in the form of constraints on government industrial and regional development programming. Given the costs of abrogation of the Agreement for Canada, Canadian negotiators would not be in a strong bargaining position in these negotiations.

U.S. industry interests are attempting to maintain protection under the Agreement through inclusion of the threat of AD/CVD and self-initiated Section 301 actions in U.S. legislation implementing the Agreement.

The fact that the negotiations did not meaningfully change bilateral trade remedy laws or their application, should be seen as a significant shortcoming of the Agreement in balancing the overall gains and concessions in the broader Canada-U.S. trade negotiations. The inability of the Agreement to ensure secure U.S. market access in turn places greater importance in the need for Canada to pursue trade expansion and liberalization on a global basis.

(Communication (June 17, 1988) addressed to Alderman Martin from Steven Pozel, Director, Mercer Union, A Centre for Contemporary Visual Art)

I am writing on behalf of Mercer Union's Board of Directors to voice our wholehearted support of Mr. Eggleton's motion against Canada's free trade agreement with the U.S. As members of Canada's visual art community, we cannot support this proposed agreement.

FOR ACTION

7(a)

REPORT TO: Legislation Committee

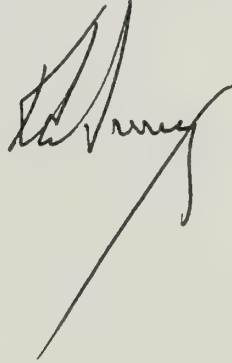
FROM: K. E. Avery
Deputy City Clerk

DATE: 1988 September 29
COMM FILE:
DEPT FILE:

SUBJECT: ANNUAL CHILDREN'S CHRISTMAS PARTY, LOCAL 167

RECOMMENDATION:

That approval be given to the request of CUPE, Local 167 to use the City Hall for their Annual Children's Christmas Party on Sunday, 1988 December 18 from 1:00 o'clock p.m. to 4:00 o'clock p.m.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

c.c. Mr. R. Swan, Manager
Property Maintenance Division

76

FOR ACTION

REPORT TO: Legislation Committee

FROM: K. E. Avery
Deputy City Clerk

DATE: 1988 September 29

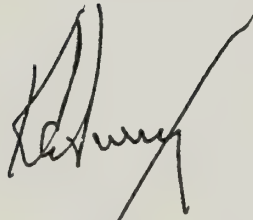
COMM FILE:

DEPT FILE:

SUBJECT: UNITED WAY

RECOMMENDATION:

That approval be given to the request of the United Way of Burlington, Hamilton-Wentworth to erect a United Way Campaign Thermometer in front of City Hall from 1988 October 03 to 1988 November 28.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

c.c. Mr. R. Swan, Manager
Property Maintenance Division

FOR ACTION

8(a)

REPORT TO: Legislation Committee

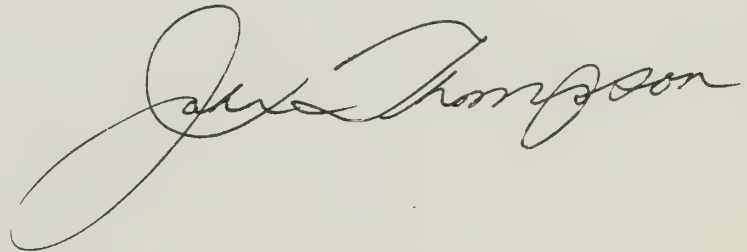
FROM: John Thompson, Secretary
Legislation Committee

DATE: 1988 September 29
COMM FILE:
DEPT FILE:

SUBJECT: LEANDER BOAT CLUB

RECOMMENDATION:

That civic awards be made to members of the Leander Boat Club who won the Senior Lightweight Four and the Intermediate Lightweight Women's Eight at the Royal Canadian Henley Regatta held recently at St. Catharines, Ontario.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

\$1 000. Funding available from within the 1988 approved budget estimates.

BACKGROUND:

CA4 ON HBL A05
CSIL?



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1988 October 25

NOTICE OF MEETING

Legislation Committee
Monday, 1988 October 31
10:00 o'clock a.m.
Room 233, City Hall


John Thompson, Secretary
Legislation Committee

JT:mjw

A G E N D A

- A. 10:00 o'clock a.m. The Canadian Society for Civic Engineering,
Hamilton Section, Regarding Engineering
Centennial Commemorative Plaque and Time Capsule.
1. Minutes of the Meetings of the Legislation Committee held 1988
September 19 and 1988 October 03.
2. City Clerk
- (a) 1989 Licence Fees.
 - (b) Latvian Flag.
 - (c) St. Joseph's Hospital Foundation - Purchase of Ad in Spectator
Supplement.
 - (d) Baltic Memorial Committee - Approval of Condensed Version of the
Text of the Baltic Memorial Plaque.



3. Director of Culture and Recreation,
Use of the City Hall Council Chambers
 - (a) Hamilton Sports Council.
 - (b) Baseball/Softball Council, General Meeting.
4. Building Commissioner
Use of Room 233 for Annual Christmas Dinner.
5. Resolution - G A S P (Greensville Against Serious Pollutions) -
Legislation to Regulate and Control Land Fill Wastes.
6. New Business
7. Adjournment

FOR INFORMATION

A.

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1988 August 3

COMM FILE:

DEPT FILE:

SUBJECT: **Engineering Society Centennial
Commemorative Plaque and Time Capsule**

BACKGROUND:

In adopting Section 5 of the Sixth Report of the Legislation Committee. City Council on April 26. 1988 granted permission to the Hamilton Chapter of the Canadian Society of Civil Engineers to erect a Commemorative Plaque and Time Capsule upon the grounds of City Hall conditional upon the Legislation Committee being satisfied that the monument is architecturally compatible with City Hall and aesthetically pleasing.

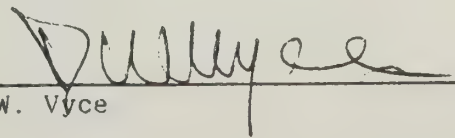
The Society has met with our staff and outlined their current proposal for the monument. The monument itself has been scaled down in size and its shaped altered slightly. A bronze plaque has been manufactured together with a stainless steel ring emblematic of the Canadian Engineering profession. which is proposed to be erected thereon.

The Society is still proposing a concrete exterior surface for the monument itself. The exterior appearance will be of a material similar to the concrete textured surface prevalent along the south elevation of the Art Gallery and Commonwealth Square. across from City Hall.

We have reviewed the design and the materials proposed therein and in our opinion both are satisfactory for the use contemplated and will not detract from the grounds of City Hall.

The Society is prepared to explain fully the design of the monument and the reasons supporting the style of design on the occasion of their meeting with the Committee.

I enclose for your review a copy of my previous report to the Committee dated March 31. 1988.


D. W. Vyce

DWV:ap

Encl.

- c.c. - Mr. K.A. Rouff. City Solicitor
- Mr. J. Pavelka. Director. Public Works
- Mr. R. Swan. Manager, Property Maintenance
- Mr. R. Martiniuk. Manager. Architectural Division

FOR ACTION

REPORT TO: Mr. John Thompson, Secretary
LEGISLATIVE COMMITTEE

FROM: Mr. D. W. Vyce, Director of Property

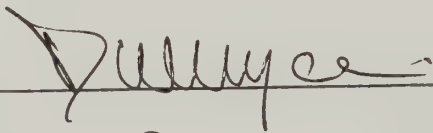
DATE: March 31, 1988
COMM FILE:
DEPT FILE:

SUBJECT:

Proposal to Erect Engineering Centennial Commemorative Plaque & Time Capsule on Grounds of City Hall.

RECOMMENDATION

- (a) That permission be granted to The Hamilton Chapter of the Canadian Society of Civil Engineers to erect a commemorative plaque and time capsule upon the grounds of City Hall at a location west of the existing building, subject to:-
- (1) An agreement being entered into between the City and the Hamilton Chapter of Canadian Society of Civil Engineers with respect to the actual entry upon City lands and construction of the monument and its continued presence on the site.
 - (2) The City always retaining the right to relocate the monument to another location in the event that the City requires the land for other municipal purposes at some time in the future.
- (b) That the City Solicitor be directed to prepare an Agreement between the City and the Engineering organization covering the proposal.



FINANCIAL IMPLICATIONS - N/A

BACKGROUND

The Hamilton Chapter of the Canadian Society of Civil Engineers has corresponded with our office seeking approvals from the City to erect a commemorative plaque and time capsule upon the lands of "City Hall" on behalf of the Engineering profession as part of the celebration of The Centennial of Engineering in Canada this year. The local engineering chapter is seeking a prominent public location upon which to place a monument. It is for this reason that they have approached the City.

I have met with executive members of the local engineering chapter, have toured the grounds of City Hall with them, discussed possible locations, and obtained details from them on the construction of the monument.

I enclose herewith correspondence I have received from the Hamilton Chapter of the Canadian Society of Civil Engineers which provides details of their proposal. You will note the monument proposed is constructed of solid concrete and measures 3' x 4' at its base and is 4' in height. The structure is to be erected on a concrete diagonal shaped base. The monument will be suitably plagued in bronze on the inclined surface and will contain the message indicated in the correspondence addressed to the City. An 18" replica of an iron ring, symbolic of the Engineering profession will be placed on the top of the monument following insertion of the time capsule and its contents inside a cavity built within the monument.

The location being recommended to the Committee for the placement of the monument and time capsule is shown marked in red on the attached plan. You will note the location is at the western limit of the building and currently a grassed area.

I will bring with me to the Committee a pictorial view of this portion of the City Hall site.

The local engineering chapter wish to be present at the meeting to address the Committee briefly.

c.c. Mr. K. A. Rouff, City Solicitor
c.c. Mr. J. Pavelka, Director of Public Works
c.c. Mr. R. Swan, Manager, Property Maintenance
c.c. Mr. R. Martiniuk, Manager, Architectural Division

Monday, 1988 September 19
9:30 o'clock a.m.
Room 233, City Hall

The Legislation Committee met:

There were present: Alderman V. J. Agro, Chairman
Alderman D. Christopherson, Vice-Chairman
Mayor R. M. Morrow
Alderman M. Kiss
Alderman P. Valeriano
Alderman R. Wheeler
Alderman J. Gallagher
Alderman T. Murray

Absent: Alderman P. Cowell

Also present: Mr. K. E. Avery, Deputy City Clerk
Mr. P. Hooker, City Solicitor's Office
John Thompson, Secretary

1. MS. ARLENE McDONALD MANAGER, LEISURE PLACE,
1911 BARTON STREET EAST -
ESTABLISHMENT OF FLEA MARKET

Establishment of
Flea Market -
Leisure Place

At the request of Alderman Christopherson the request of Ms. Arlene McDonald for permission to establish a flea market at 1911 Barton Street East was TABLED until further notice.

Alderman Valeriano emphasized the need to ensure that the residents in the area are protected when this request is reviewed by Alderman Christopherson.

2. HAMILTON STATUS OF WOMEN SUB-COMMITTEE REVISED GUIDELINES

Hamilton
Status of Women
Sub-Committee -
Revised Guidelines

Ms. Anne Stewart, Chairperson, appeared before the Committee to provide an explanation and answer any questions on the revised guidelines of the Hamilton Status of Women Sub-Committee.

On the recommendation of Alderman Christopherson, the following was added to the last sentence of the second paragraph under the heading "Executive Committee" on page three:

"but that every effort be made to telephone members of the Sub-Committee prior to the Executive Committee taking action to ensure approval of a majority of the Sub-Committee."

Following review and discussion, the Committee agreed to recommend to City Council that the revised guidelines of the Hamilton Status of Women Sub-Committee be approved as amended.

3. NUISANCE WILDLIFE PROGRAM

Nuisance
Wildlife Program

Mr. R. Morrison, Operations Manager, H.S.P.C.A., appeared before the Committee to present his report on the establishment of a city-wide Nuisance Wildlife Program.

Following discussion, the Committee agreed to submit the following recommendations to City Council for approval as amended.

Nuisance
Wildlife Program

That approval be given to the following recommendations for the implementation of a City-wide Nuisance Wildlife Program.

- (a) That the City of Hamilton employ the services of Licenced Trappers, under the direction of the Ontario Trappers Association, for the purpose of the local destruction of skunk denning sites, during the months of November through March of each year.
- (b) That the Hamilton SPCA be responsible for monitoring the conduct of the program, and authorize invoices for services prior to their submission to the City of Hamilton for payment.
- (c) That the methods utilized for den destruction meet with the approval of the Hamilton SPCA, as being humane.
- (d) That such a program be instituted commencing November 1988 and be continued on an annual basis thereafter.
- (e) That the program be carried out on a City-wide basis with concentration in those areas adjacent to residential areas reporting a high incidence of nuisance and destruction.
- (f) That an amount of \$49 000 be included by the City of Hamilton in the 1989 operating budget of the Hamilton SPCA in order to commence and implement this program for the months of November and December 1988 and to carry out the program in the year 1989, and that this budget allocation be specifically earmarked for the Nuisance Wildlife Program.
- (g) That the City of Hamilton consider programs of habitat clean up on an annual basis, in order that wildlife not be encouraged to den in those areas adjacent to residential housing - brush removal, garbage and litter removal.

Report of the Task
Force Reviewing the
Second Level
Lodging House
By-law

4. REPORT OF THE TASK FORCE REVIEWING THE SECOND LEVEL
LODGING HOUSE BY-LAW FOR THE CITY OF HAMILTON -
ALDERMAN D. CHRISTOPHERSON, CHAIRMAN

Alderman Christopherson explained that the Task Force reviewing the Second Level Lodging House By-law recommends that City Council

- (a) approve the concept of a two-year pilot project fully funded by the Province of Ontario to implement the proposed Second Level Lodging House By-law;
- (b) approve the proposed Second Level Lodging House By-law up to and including second reading;
- (c) request that the Province of Ontario enact legislation to give the proposed Second Level Lodging House By-law force of law within the authority of the Municipal Act, and further request that the Province of Ontario fully fund the two-year pilot project;

- (d) agree to monitor and evaluate the two-year pilot project in partnership with the Province of Ontario;
- (e) direct staff to prepare a formal proposal for a two-year pilot project to implement the proposed Second Level Lodging House By-law and that the proposal be placed before City Council for approval.

Alderman Christopherson proceeded to explain that implementation of the new By-law requires:

- (a) sponsorship of private legislation at Queen's Park to approve the new By-law since there are questions about whether it is beyond the powers conferred on the City under the Municipal Act
- (b) approval by City Council
- (c) establishment of an administrative infrastructure to ensure fire, building, health and other requirements are adequately enforced, co-ordinated, monitored and evaluated.

Alderman Murray was in attendance and explained that he has a number of concerns regarding the report. He suggested that the Committee hold a public meeting in order to give the operators of the Second Level Lodging Houses an opportunity to present any comments they may wish to make for or against the proposed By-law.

Alderman Christopherson explained that it would be inappropriate to meet with the operators only, adding that a public meeting has already been held on the proposed By-law.

Following considerable discussion it was moved by Alderman Christopherson, seconded by Alderman Kiss, and carried that the report of the Task Force reviewing the Second Level Lodging House By-law be received and that staff be directed to prepare a formal proposal for a two-year pilot project to implement the proposed Second Level Lodging House By-law, so that all the necessary information is available for a public meeting.

5. MINUTES

The minutes of the meeting of the Legislation Committee held 1988 July 18 were received and adopted as circulated to the members.

6. ATTENDANCE RECORDS FOR SPECIAL MEETINGS - ALDERMAN P. COWELL

Due to the absence of Alderman Cowell, the Committee agreed to table this item until the next meeting.

7. CODE OF CONDUCT FOR MUNICIPAL COUNCILLORS - ALDERMAN T. COOKE

The Committee was in receipt of a copy of a Report of the Special Committee on the Code of Conduct for the City of Toronto which was unanimously approved by the Toronto City Council on 1988 July 22. Alderman Cooke was in attendance and recommended that the City support the spirit and intent of the report from the City of Toronto and develop its own code of conduct based on the spirit of the Toronto report. He explained that the following three areas will require a further review:

Report of the
Task Force
Reviewing
the
Second Level
Lodging House By-law

Approval of the
Minutes of the
Meeting Held
1988 July 18

Attendance Records
for Special Meetings

- (a) campaign spending limits
- (b) adding siblings to the Conflict of Interest Act
- (c) use of the Aldermen's Lounge

Following discussion, the Committee agreed to strike a sub-committee composed of Alderman Cooke as Chairman, Alderman M. Kiss and Alderman R. Wheeler to study the Toronto report and bring back recommendations for a Code of Conduct for the City of Hamilton.

Notice of Motion -
Cable Companies

8. NOTICE OF MOTION - CABLE COMPANIES

At its meeting held 1988 August 30 City Council directed that the following Notice of Motion of Alderman Agostino, relative to rate increases for cable companies be referred to the Legislation Committee for consideration and that the Legislation Committee be directed to obtain all available information as to whether or not the cable companies fall under the jurisdiction of the CRTC with respect to rate increases:

"That the City of Hamilton request the Federal Government to enact legislation in order to require cable companies to appear before the CRTC to justify and seek approval for any rate increases exceeding four percent".

At the request of Alderman Agostino, the Notice of Motion was tabled until further notice.

Notice of Motion -
Transfer of
Executive Committee
Duties

9. NOTICE OF MOTION - TRANSFER OF EXECUTIVE COMMITTEE DUTIES

At its meeting held 1988 August 30 City Council directed that the following Notice of Motion of Alderman V. J. Agro relative to the transfer of the Executive Committee duties to the Finance Committee be referred to the Legislation Committee for study:

- (a) That, in keeping with the strong Committee system, and on the basis that each Ward be represented on all Standing Committees, the Finance Committee assume all of the duties and responsibilities of the Executive Committee.
- (b) That the Mayor, by virtue of his office, be Chairman of the Finance Committee.
- (c) That the Vice-Chairman of the Finance Committee be appointed by City Council.
- (d) That this change be effective December 1988.
- (e) That the City of Hamilton Procedural By-law 82-202 be amended to reflect this change.

At the request of Alderman Agro, the Committee agreed to table the Notice of Motion until the next meeting.

10. POLICY TO GOVERN AND REGULATE THE INSTALLATION OF
COMMEMORATIVE AND MEMORIAL PLAQUES INSIDE CITY HALL

The Committee was in receipt of a report of the City Clerk dated 1988 September 13 containing a policy to govern and regulate the installation of commemorative and memorial plaques in City Hall.

Considerable discussion ensued regarding the responsibility for the research and historical accuracy of the plaque inscriptions and whether the City should be assuming responsibility for the wording on the plaque.

Mr. Hooker stated that a statement could be added to the plaque inscription indicating that the plaque was presented by the organization and does not necessarily represent the views of City Council.

It was moved by Alderman Valeriano and seconded by Alderman Wheeler and carried that the applicant be legally responsible for the research and historical accuracy of the plaque inscription.

Following discussion the Committee agreed to submit the following policy to City Council for approval as amended.

- (a) That the installation and location of commemorative plaques, memorials, monuments, time capsules, and trees upon the grounds of City Hall shall be subject to the consideration and recommendation of the Legislation Committee and approval of City Council.
- (b) That each application be considered on its own merits with the view to examining and identifying the impact and importance of significant contributions made to the overall growth and development of the City of Hamilton by the organization or group.
- (c) That the design and quality of materials used in any structure shall be subject to the approval of the Legislation Committee and City Council. The Director of Property shall prepare a report for the Legislation Committee on each application commenting on the aesthetics of the exterior appearance of any structure to ensure that it does not detract from the grounds of City Hall.
- (d) That the cost of materials and labour to supply and install any structure or plant the tree(s) shall be the responsibility of the organization or group.
- (e) That the City will attempt to accommodate the Donor with the choice of the tree(s) where the species is available and where the climate and growing conditions are appropriate for such species.
- (f) That the cost of any replacement plaque etc. as the result of vandalism or theft shall be the responsibility of the organization or group.
- (g) That the wording to be contained on any plaque shall be approved by the Legislation Committee and City Council.
- (h) That an agreement be entered into between the City and the applicant with respect to the actual entry upon City lands, construction of the plaque, monument, memorial, time capsule, or tree planting and its continued presence on the site.

Policy
to Govern and Regulate
the Installation of
Commemorative and
Memorial Plaques
Inside
City Hall

- (j) That plaques, monuments, etc. shall not be attached to the exterior surface of the City Hall building.
- (k) That the City Solicitor be directed to prepare an agreement between the City and organization covering the proposal.

**Baltic Committee -
Memorial Plaque**

11. BALTIC COMMITTEE - MEMORIAL PLAQUE

The Committee agreed to submit the following recommendations to City Council for approval:

- (a) That, in accordance with City Council policy, approval be given to the request of the Hamilton Estonian Society, the Hamilton Latvian Society and the Lithuanian Community in Canada (Baltic Committee) for permission to erect a plaque on the designated wall panel, second floor of City Hall in memory of the one million Baltic citizens who were deported to Siberian slave camps following the Soviet occupation of the Baltic States in 1941 and the subsequent years.
- (b) That the wording to be contained on the plaque with the historical emblems of the free Baltic States attached hereto as APPENDIX "B", BE APPROVED.

**Proposed
Incorporation
of
St. Joseph's
Hospital, Hamilton**

12. PROPOSED INCORPORATION OF ST. JOSEPH'S HOSPITAL, HAMILTON

As outlined in a report of the City Clerk dated 1988 September 09, the Committee agreed to submit the following recommendation to City Council for approval.

That approval be given to the request of the Sisters of St. Joseph of the Diocese of Hamilton, owners and operators of St. Joseph's Hospital in Hamilton to include the name "Hamilton" in the name of the proposed corporation being formed for the operation of St. Joseph's Hospital.

**Photocopier
for
Aldermanic
Offices**

13. PHOTOCOPIER FOR ALDERMANIC OFFICES

The Committee was in receipt of a report of the City Clerk dated 1988 September 15 recommending that the photocopier which is presently being rented on a trial basis for the Aldermanic Offices be purchased for a net amount of \$1 836.

The desire was expressed by the Committee Members to lease or purchase a larger, faster and more efficient machine which will better meet their needs and requirements. The concern was expressed that the present rental unit is too slow and time consuming.

Following consideration, the Committee decided to refer this matter back to the City Clerk for further study and review.

14. USE OF CITY HALL FACILITIES

Use of
City Hall Facilities

As outlined in reports of the City Clerk dated 1988 September 09, the Committee agreed to submit the following recommendations to City Council for approval.

- (a) That approval be given to the request of the Sexual Assault Centre, Hamilton and Area to use the City Hall forecourt on Thursday, 1988 September 22 from 7:15 p.m. to 8:15 p.m. for the purpose of staging a brief rally and starting their annual "Take Back the Night" walk.
- (b) That approval be given to the request of the Emergency Shelter Foundation of Hamilton-Wentworth to use the City Hall forecourt or in the event of inclement weather, the Second Floor lobby area of City Hall from 9:00 o'clock a.m. to 4:00 o'clock p.m. on Saturday, 1988 October 15 for the purpose of staging an Aerobithon in conjunction with one of their fund raising events.
- (c) That approval be given to the request of The Alliance of the Hamilton Lawyer's Club to display a painting for a period of two weeks in the City Hall foyer entitled "South Gore, Hamilton (circa 1916)" in connection with a fund raising program for the Hamilton Integrated Living Program and the Hamilton Wentworth Head Injuries Association.
- (d) That approval be given to the request of the Hamilton Hockey Council to use the City Hall Council Chambers on Wednesday, 1988 September 28 at 7:30 o'clock p.m. for their annual general meeting.
- (e) That approval be given to the request of the Family Services of Hamilton-Wentworth and Catholic Family Services who are local sponsors of National Family Week to display some school art work on the theme "What The Family Means To Me" in the City Hall foyer area from Monday, 1988 October 03 to Friday, 1988 October 07.
- (f) That approval be given to the request of CKOC/CKLH-FM to use an area on the second floor of City Hall, satisfactory to the City Clerk, as a broadcast location for the upcoming Municipal Election.
- (g) The request of the Institute of Chartered Accountants of Ontario for permission to use the City Hall Council Chambers for a meeting on Monday 1989 June 12 from 1:00 o'clock p.m. to 3:00 o'clock p.m. was tabled pending receipt of additional information regarding the purpose of the meeting and whether this organization has used the Council Chambers in the past.

**Military Regalia
at
City Hall**

15. MILITARY REGALIA AT CITY HALL

As outlined in a letter of Mayor R. Morrow dated 1988 September 1, the Committee agreed to submit the following recommendation to City Council for approval.

- (a) That the north wall on the second floor of City Hall, east of the Mayor's office be reserved for military regalia presented to the City of Hamilton.
- (b) That a panel of matching wood be installed featuring the regimental crest of the following 13 local units which have been presented to the City:

Argyll and Sutherland Highlanders of Canada

Royal Hamilton Light Infantry (Wentworth Regiment)

Lincoln and Welland Regiment

Lorne Scots (Peel, Dufferin and Halton Regiment)

11th Field Artillery Regiment

23 (Hamilton) Service Battalion

23 (Hamilton) Medical Company

705 Communications Squadron

HMCS Star

Central Recruiting Zone

Regular Support Staff Hamilton Militia District

Canadian Forces Base Toronto

Headquarters Hamilton Militia District

**Delegation -
Fukuyama, Japan**

16. DELEGATION FROM FUKUYAMA, JAPAN

As outlined in a report of Mayor R. M. Morrow dated 1988 September 13, the Committee agreed to submit the following recommendations to City Council for approval.

- (a) That the City host a delegation of 20 representatives of our twin City Fukuyama, Japan including Mayor Mikio Makimoto during their visit from Sunday, 1988 October 02 to Tuesday, 1988 October 04.
- (b) That funding for this event not exceed \$4 600 and be charged to Account No. 0373-1003 - Special Civic Receptions and Delegate Hostings.

**Duet Club
of Hamilton**

17. DUET CLUB OF HAMILTON

Mayor Morrow explained that the Duet Club of Hamilton which sponsors young people through musical scholarships own a grand piano which they would like to store at City Hall and use in the Council Chambers for concerts.

Following consideration the Committee endorsed the concept and authorized staff to pursue this request.

18. POLICY TO GOVERN AND REGULATE THE INSTALLATION OF
PLAQUES, MEMORIALS, TIME CAPSULES AND TREES UPON
CITY HALL GROUNDS

As outlined in a report of the Director of Property dated 1988 September 13, the Committee agreed to submit the following policy to City Council for approval as amended.

That approval be given to the following policy to govern and regulate the installation of commemorative plaques, memorials, monuments, time capsules and trees upon the grounds outside City Hall.

- (a) That the installation and location of commemorative plaques, memorials, monuments, time capsules, and trees upon the grounds of City Hall shall be subject to the consideration and recommendation of the Legislation Committee and approval of City Council.
- (b) That each application be considered on its own merits with the view to examining and identifying the impact and importance of significant contributions made to the overall growth and development of the City of Hamilton by the organization or group.
- (c) That the design and quality of materials used in any structure shall be subject to the approval of the Legislation Committee and City Council. The Director of Property shall prepare a report for the Legislation Committee on each application commenting on the aesthetics of the exterior appearance of any structure to ensure that it does not detract from the grounds of City Hall.
- (d) That the cost of materials and labour to supply and install any structure or plant the tree(s) shall be the responsibility of the organization or group.
- (e) That the City will attempt to accommodate the Donor with the choice of the tree(s) where the species is available and where the climate and growing conditions are appropriate for such species.
- (f) That the cost of any replacement plaque etc. as the result of vandalism or theft shall be the responsibility of the organization or group.
- (g) That the wording to be contained on any plaque shall be approved by the Legislation Committee and City Council.
- (h) That an agreement be entered into between the City and the applicant with respect to the actual entry upon City lands, construction of the plaque, monument, memorial, time capsule, or tree planting and its continued presence on the site.
- (i) That the City always retain the right to relocate the plaque, monument, memorial, time capsule or tree to another location in the event the City requires the land for other municipal purposes at the same time in the future.
- (j) That plaques, monuments, etc. shall not be attached to the exterior surface of the City Hall building.
- (k) That the City Solicitor be directed to prepare an agreement between the City and organization covering the proposal.

Policy
to
Govern and Regulate
the
Installation
of
Plaques, Memorials,
Time Capsules
and
Trees
upon
City Hall Grounds

Proposed
City Hall
Smoking Room

19. PROPOSED CITY HALL SMOKING ROOM

As outlined in a report of the Director of Property dated 1988 September 14, the Committee agreed to submit the following recommendation to City Council for approval.

- (a) That the Director of Property be authorized and directed to undertake improvements to space in the basement level of City Hall at an estimated cost of \$13 860 in order to create a smoking room.
- (b) That the Finance Committee be requested to recommend the method of financing this expenditure.
- (c) That the Chief Administrative Officer report back to City Council in six months with respect to the effectiveness of the above smoking room.

Legislative
Support
Services
Cost

20. LEGISLATIVE SUPPORT SERVICES COST

As outlined in a report of the Treasurer dated 1988 September 14, the Committee agreed to recommend to City Council that the proposal to share City of Hamilton Legislative Support Services costs with the Regional Municipality of Hamilton-Wentworth not be proceeded with at this time.

Resolutions

21. RESOLUTIONS

The Committee agreed to recommend to City Council that the following resolutions be endorsed.

City of Windsor -
Diversion
of -
Great Lakes'
Water into the
Mississippi River
System

(a) City of Windsor

"WHEREAS the United States Corporation of Engineers have mentioned the diversion of Great Lakes' water into the Mississippi River System thus lowering the water level of all Great Lakes;

WHEREAS the City of Windsor and its seaway port would be affected by any drop in its water level and therefore the economy of Windsor would be jeopardized and other ports of the Great Lakes and the St. Lawrence would be similarly affected;

THEREFORE the City of Windsor is in opposition to any diversion of the Great Lakes' waters to the Mississippi River System; and a copy of this resolution be circulated to the Federal and Provincial Governments and other Canadian Municipalities bordering the St. Lawrence Seaway System."

City of Chatham -

(b) City of Chatham

Disclosure of
Ingredients
in
Packaged and/or
Prepared Foods
Sold in Canada

WHEREAS the Federal Government, as represented by The Minister of National Health and Welfare, is responsible for recommending legislation for the proper disclosure of ingredients contained in packaged and/or prepared foods sold in Canada.

AND WHEREAS many persons have died of Anaphylactic Shock caused by their unknowingly eating food which contained ingredients to which they were allergic.

AND WHEREAS it is desirable to protect the public against such dangers and to reduce the number of deaths caused by Anaphylactic Shock.

BE IT THEREFORE RESOLVED by The Municipal Council of The Corporation of the City of Chatham as follows:

That the Honourable Jake Epp, Minister of National Health and Welfare be petitioned to use his good offices to convince his colleagues in caucus that legislation should be enacted requiring that all food sold in fast food outlets, restaurants and catering services contain labels listing all ingredients contained in the food being offered for sale.

AND FURTHER that this Resolution be circulated to Ontario municipalities with a population of 10 000 or more requesting that they forward their notification of support to the Minister of National Health and Welfare and local Members of Parliament.

22. TORONTO/OTTAWA OVERNIGHT TRAIN SERVICE

The Committee was in receipt of a copy of a letter from Transport 2000 Ontario advising that there is the very real possibility VIA Rail will petition the National Transportation Agency for permission to terminate the overnight Toronto/Ottawa train service in late October.

Following consideration the Committee agreed to recommend to City Council that a letter be forwarded to the National Transportation Agency advising that the City of Hamilton is opposed to any application of VIA Rail for permission to terminate the overnight Ottawa/Toronto train service in late October.

23. AMNESTY INTERNATIONAL

The Committee agreed to recommend to City Council that the City of Hamilton join and become a member of Amnesty International and that the following resolution of Amnesty International dealing with the "Human Rights Now Campaign" be endorsed.

WHEREAS all human beings are born free and equal in dignity and rights, and this is the historic promise of the universal Declaration of Human Rights proclaimed by governments of the United Nations 40 years ago; and

WHEREAS in many countries even the right to speak out in defence of human rights is being crushed, and thousands of people have been jailed and tortured for demanding and exercising their rights; and

WHEREAS Amnesty International, the recipient of the 1977 Nobel Peace Prize, has launched a "Human Rights Now Campaign" to celebrate the 40th anniversary of the adoption by the United Nations of the universal Declaration of Human Rights; and

WHEREAS the aims of the "Human Rights Now Campaign" are to raise the level of awareness around the world about the rights that every person should enjoy, to demonstrate that everyone can be involved in demanding that governments respect those rights, to focus attention on those human rights activists who become victims of human rights abuses, and to encourage every government to strengthen its domestic and international protection of human rights;

THEREFORE BE IT RESOLVED that the City of Hamilton endorse the "Human Rights Now Campaign".

Resolution -
Toronto/Ottawa
Overnight Train
Service

Resolution -
Amnesty International

Civic Awards

24. CIVIC AWARDS

As outlined in reports of the Secretary dated 1988 September 09, the Committee agreed to submit the following recommendations to City Council for approval.

That civic awards be made to the members of the Hamilton Amateur Wrestling Club who recently won the Canadian Junior and Senior Championships in various classes as outlined in a letter from the President of the Club dated 1988 July 12.

That civic awards be made to the members of the Hamilton Transway Mini, Bantam and Premier Girls Basketball teams in recognition of winning the Provincial and International Basketball Championships.

Adjournment

The meeting then adjourned.

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1988 September 19

Typed by M. J. Walton

Monday, 1988 October 03
10:00 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present: Alderman V. J. Agro, Chairman
Alderman D. Christopherson, Vice-Chairman
Mayor R. M. Morrow
Alderman M. Kiss
Alderman V. Valeriano
Alderman R. Wheeler
Alderman P. Cowell
Alderman J. Gallagher
Alderman T. Murray

Also present: Alderman T. Cooke
Alderman H. Merling (Part of Meeting)
Mr. L. Sage, Chief Administrative Officer
Mr. K. E. Avery, Deputy City Clerk
Mr. P. Hooker, City Solicitor's Office
Mr. R. Morrison, Operation Manager, H.S.P.C.A.
John Thompson, Secretary

1. ATTENDANCE RECORDS FOR SPECIAL MEETINGS

Attendance Records
for
Special Meetings

The Committee was in receipt of a report from the Finance Committee dated 1988 September 13 recommending that the Legislation Committee review the entire matter of recording the attendance of Council Members at Special meetings.

It was noted that at the Finance meeting held 1988 June 21, Alderman Cowell submitted that the attendance records of members of City Council should not be affected if they are unable to attend special meetings due to prior commitments and subsequently requested that this matter be reviewed by the Legislation Committee.

Alderman Cowell explained that members of Council should not be penalized if they are unable to attend Special meetings of Council or Standing Committees which are called at the last moment.

Alderman Valeriano stated that 48 hour written notice before a Special meeting is of no consequence. He felt that a system should be developed whereby a separate record is kept for regular and special or emergency meetings.

Following discussion, it was moved by Alderman Valeriano, seconded by Alderman Cowell and carried that the following recommendation be submitted to City Council for approval:

That the City Clerk be directed to maintain a separate attendance record for all Regular and Special meetings of City Council and Standing Committees so that recorded absences from Special meetings are not included in the attendance record of the members of City Council for Regular meetings.

2. TRANSFER OF EXECUTIVE COMMITTEE'S DUTIES

Transfer
of
Executive Committee's
Duties

The Committee was in receipt of a report of the City Clerk dated 1988 September 13 advising that at its meeting held 1988 August 30, City Council directed that the following Notice of Motion by Alderman Agro, relative to the transfer of the Executive Committee's duties to the Finance Committee be referred to the Legislation Committee for study.

- (a) That, in keeping with the strong Committee system, and on the basis that each Ward be represented on all Standing Committees, the Finance Committee assume all of the duties and responsibilities of the Executive Committee.

Transfer of
Executive Committee's
Duties

- (b) That the Mayor, by virtue of his office, be Chairman of the Finance Committee.
- (c) That the Vice-Chairman of the Finance Committee be appointed by City Council.
- (e) That the City of Hamilton Procedural By-law 82-203 be amended to reflect this change.

Alderman Gallagher stated that as an alternative the Committee may wish to consider recommending that the Executive Committee be made up of the Senior Aldermen of each Ward and that the duties and responsibilities of the Finance and Personnel Committees be transferred to the Executive Committee.

Alderman Murray commented that either the Executive Committee should be given a stronger mandate to deal with certain issues or the Standing Committees should be given additional authority to become more involved in running the civic departments that fall under their jurisdiction.

Alderman Christopherson commented that the City is not in a crisis situation with respect to the operation of the Executive Committee and that there has not been a breakdown in the present system, adding that any review should have been started at least 6 months ago. He did state however that the Executive Committee should be called the Co-ordinating Committee to better reflect the activities of the Committee and the role it performs for City Council.

It was noted that included in the Strategic Plan under the "Improved Staff/Council Relations" goal, is the provision for the establishment of a Task Force to assess the Committee format and membership and procedures of meetings. A recommendation will be submitted to the Legislation Committee at its next meeting regarding the Task Force.

Alderman Wheeler stated that he favours an expansion of the composition of the Executive Committee as it would provide representation from the entire City.

Alderman Cowell commented that a true Executive Committee should be made up of the Chairman of the Standing Committees of City Council. He stated that the composition and duties and responsibilities of the Executive Committee should not be changed at the present time and that the entire matter should be reviewed by the new Council.

It was moved by Alderman Christopherson, seconded by Alderman Wheeler and carried that the name of the Executive Committee be changed to the Co-ordinating Committee effective for the 1988 - 1991 Council.

It was moved by Alderman Wheeler, seconded by Alderman Kiss that the Co-ordinating Committee be composed of the Senior Aldermen in each Ward. **Motion Lost.**

In Favour. Aldermen Agro, Kiss, Wheeler. **Opposed.** Aldermen Valeriano, Christopherson, Cowell, Gallagher, Murray.

It was moved by Alderman Gallagher, seconded by Alderman Wheeler that

- (a) The composition of the Executive (Co-ordinating) Committee altered for the 1988 - 1991 Council from the Mayor (Chairman) and four (4) members of City Council to the Mayor and Senior Aldermen of each ward who shall have first choice to sit on the Committee.
- (b) That the duties and responsibilities of the Finance and Personnel Committees be transferred to the Executive (Co-ordinating) Committee.

Motion lost on a tie vote of 4 to 4. **In favour.** Aldermen Agro, Wheeler, Gallagher, Murray. **Opposed.** Aldermen Kiss, Valeriano, Christopherson, Cowell.

In keeping with policy, the above recommendations will now be submitted to City Council for consideration and disposition.

3. CODE OF CONDUCT

Code of Conduct

The Committee was in receipt of a report of the Code of Conduct Joint Sub-Committee containing recommendations for the establishment of a Code of Conduct for members of City Council as well as Regional Council.

It was moved by Alderman Cowell, seconded by Alderman Wheeler and carried that special meeting of the Legislation Committee be held prior to the Council meeting on 1988 October 11 at 5:30 o'clock p.m. to review the recommendations of the Code of Conduct Joint Sub-Committee and that all members of City Council be invited to attend this special meeting. Direction was also given that the City Solicitor be requested to attend this special meeting to answer any questions the Committee members may have.

4. CHRISTMAS MARKET DAYS

Christmas
Market
Days

As outlined in a report of the Farmers' Market Sub-Committee dated 1988 September 26, the Committee agreed to submit the following recommendation to City Council for approval.

That approval be given to the following schedule of Market Days at the Hamilton Farmers' Market during the 1988 Christmas holidays.

Christmas Week

New Year's Week

Tuesday, 1988 December 20
Thursday, 1988 December 22
Friday, 1988 December 23
Saturday, 1988 December 24

Tuesday, 1988 December 27
Thursday, 1988 December 29
Friday, 1988 December 30
Saturday, 1988 December 31

5. HAMILTON FARMERS' MARKET FEES FOR 1989

Hamilton
Farmers'
Market Fees
for 1989

As outlined in a report of the Farmers' Market Sub-Committee dated 1988 September 26, the Committee agreed to submit the following recommendations to City Council for approval.

- (a) That the Hamilton Farmers' Market Fees be increased by four (4%) percent in accordance with Schedule "B" attached hereto.
- (b) That the City Solicitor be directed to prepare an a by-law to amend By-law No. 81-180 "To regulate the Hamilton Farmers' Market" to reflect this increase.

Note: This increase will generate an additional \$14 680 in revenue.

1989
Dog Licence Fees

6. 1989 DOG LICENCE FEES

As outlined in a report of Mr. R. Morrison, Operations Manager, H.S.P.C.A., the Committee agreed to submit the following recommendation to City Council for approval.

- (a) That the Dog Licence Fees for 1989 be increased in the amounts as follows:

- | | |
|---|------|
| 1. One spayed or neutered dog | \$15 |
| 2. Each additional spayed or neutered dog | \$15 |
| 3. One not spayed or neutered dog | \$32 |
| 4. Each additional not spayed or neutered dog | \$32 |

- (b) That Schedule "A" of City of Hamilton By-law No. 85-148 Respecting Control and Licencing of Dogs, be amended to reflect this increase.

Note: The above amounts represent an increase of approximately three (3%) and will generate an additional \$9 000 in revenue.

Resolution
from
the City of
Toronto
Respecting
Free Trade Agreement

7. RESOLUTION FROM THE CITY OF TORONTO RESPECTING FREE TRADE AGREEMENT

The Committee received the resolution from the City of Toronto dated 1988 August 26 regarding the Free Trade Agreement which was forwarded to all Canadian Municipalities with a population of over 50 000 for endorsement and support.

Use of
City Hall
Facilities

8. CITY HALL FACILITIES

- The Committee agreed to submit the following recommendations to City Council for approval.

- (a) That approval be given to the request of CUPE, Local 167 to use the City Hall facilities for their Annual Children's Christmas Party on Sunday, 1988 December 18 from 1:00 o'clock p.m. to 4:00 o'clock p.m.
- (b) That approval be given to the request of the United Way of Burlington, Hamilton-Wentworth to erect a United Way Campaign Thermometer in front of City Hall from 1988 October 03 to 1988 November 28.
- (c) (i). That approval be given to the request of the United Nations Association to use the City Hall Council Chambers on 1988 October 24 from 7:00 o'clock p.m. to 10:00 o'clock p.m. for the celebration of United Nations Day.
- (ii) That light refreshments in the form of coffee and juice be provided for approximately 200 people who will be attending this ceremony.
- (iii) That this expenditure be charged to Account No. 0373-1002, Receptions City Hall.

9. CIVIC AWARDS

Civic Awards

The Committee agreed to submit the following recommendations to City Council for approval.

- (a) That civic awards be made to members of the Leander Boat Club who won the Senior Lightweight Four and the Intermediate Lightweight Women's Eight at the Royal Canadian Henley Regatta held recently at St. Catharines, Ontario.
- (b) That civic awards be made to Kathy Harrison and Mark Daley of Hamilton who were members of the Ontario Basketball Provincial Team Program which captured the National Championship in both the men's and women's division held in Fredericton, New Brunswick 1988 August 01 to August 06.

There being no further business, the meeting then adjourned.

Adjournment

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson
Secretary
1988 October 03

Typed by M. J. Walton

FOR ACTION

2.(a)

REPORT TO: Mr. John Thompson, Secretary
Legislation Committee

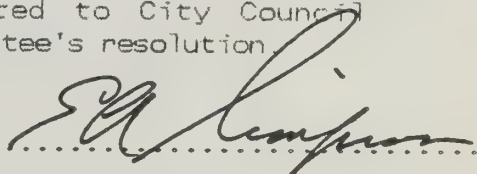
FROM: Mr. E. A. Simpson
City Clerk

DATE: 1988 October 24
COMM FILE:
DEPT FILE:

SUBJECT: 1989 Licence Fees

RECOMMENDATION:

- (a) That the general licence fees be increased by 5 percent for 1989.
- (b) That the attached by-law to amend Licencing By-laws No. 76-32 (Body Rub Parlours), No. 79-144 (Adult Entertainment Parlours), No. 79-323 (Trades, Callings, Occupations) and No. 80-259 (Second Level Lodging Houses) respecting various licence fees be submitted to City Council concurrently with the Committee's resolution.

..........

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The increase will generate an additional \$ 30 000.
in revenue (approximate).

BACKGROUND:

City Council in adopting Section 2 of the THIRTEENTH Report of the Legislation Committee for 1987 authorized licence fee increases of five percent for 1988 and the cost of inflation or five percent for 1989. The City Treasurer advises that a five percent increase would be appropriate. In some case, licence fees in the attached by-law were rounded off to the nearest dollar which streamlines computer processing and lessens change handling.

Attachment

The Corporation of the City of Hamilton

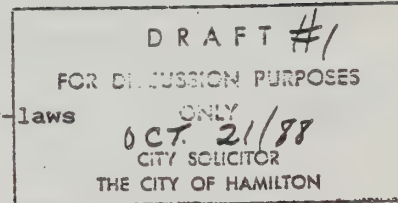
BY-LAW NO. 38-

To Amend:

Various Licensing By-laws

Respecting:

FEES



WHEREAS By-law No. 76-32, passed on the 27th day of January, 1976, provides for the licensing of body-rub parlours and for licence fees in respect thereof;

AND WHEREAS By-law No. 79-144, passed on the 8th day of May, 1979, provides for the licensing of adult entertainment parlour owners, operators and attendants and for licence fees in respect thereof;

AND WHEREAS By-law No. 79-323, passed on the 22nd day of November, 1979, provides for the licensing of various trades, callings, occupations and persons engaged therein and for licence fees in respect thereof;

AND WHEREAS By-law No. 80-259, passed on the 30th day of September, 1980, provides for the licensing of second level lodging houses and for licence fees in respect thereof;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 2(b) of the 13th Report of the Legislation Committee for 1987 at its meeting held on the 29th day of September, 1987, directed that effective 01 January 1989, Licensing By-law No. 79-323 be amended to increase fees by a minimum of 5% on the cost of inflation at that time.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. SCHEDULE 1 to By-law No. 76-32, as re-enacted by section 1 of By-law No. 84-246, passed on the 13th day of November, 1984, is amended by striking out the fees in column 2 and inserting in lieu thereof for each class of licence respectively referred to,

(a) in clauses 1(a) and 1(b), a corresponding fee in column 2 of \$5,500.00; and

(b) in clauses 1(c) and 1(d), a corresponding fee in column 2 of \$220.00.

2. SCHEDULE 1.00 to By-law No. 79-144 is amended by striking out the fees in columns 2, 3, 4 and 5 and inserting in lieu thereof for each class of licence respectively referred to in column 1 as "F", "G", "H", "I", "J", "K",

- (a) a corresponding fee in columns 2 and 3 of \$3,300.00; and
- (b) a corresponding fee in column 4 of \$1,100.00; and
- (c) a corresponding fee in column 5 of \$165.00.

3. Paragraph 1 of section 7 of SCHEDULE 1 of By-law No. 79-323, as amended by section 2 of By-law No. 84-244, is amended by striking out "\$60.00" at the end of paragraph 1 and inserting in lieu thereof "\$63.00".

4. Paragraph 1 of section 2 of SCHEDULE 2 of By-law No. 79-323 is amended by striking out "\$15.00" at the end of the paragraph and inserting in lieu thereof "\$16.00".

5. Paragraphs 1 and 2 of section 6 of SCHEDULE 3 of By-law No. 79-323, are each amended by striking out "\$30.00" at the end of paragraph 1 and "\$20.00" at the end of paragraph 2 and respectively inserting in lieu thereof for,

- (a) paragraph 1, \$32.00;
- (b) paragraph 2, \$21.00.

6. Section 28 of SCHEDULE 4 of By-law No. 79-323, as re-enacted by section 1 of By-law No. 85-57, passed on the 26th day of March, 1985, is amended by striking out the fees referred to in each of the clauses 28(a), 28(b), 28(c), 28(d), 28(e), 28(f), 28(g) and 28(h) and inserting in lieu thereof for,

- (a) clause 28(a), \$2,750.00;
- (b) clause 28(b), \$138.00;
- (c) clause 28(c), \$550.00;
- (d) clause 28(d), \$275.00;
- (e) clause 28(e), \$550.00;
- (f) clause 28(f), \$330.00;
- (g) clause 28(g), \$220.00;
- (h) clause 28(h), \$25.00.

7. (1) Clause (a) of paragraph 1 of section 10 of SCHEDULE 5 of By-law No. 79-323 is amended by striking out "\$15.00" at the end of the paragraph and inserting in lieu thereof "\$16.00".

(2) Clauses (b) and (d) of paragraph 2 of SCHEDULE 5 of By-law No. 79-323, as amended by section 1 of By-law No. 80-093, passed on the 25th day of March, 1980, section 3 of By-law No. 83-261, passed on the 31st day of August, 1983 and sections 1 and 2 of By-law No. 83-317, passed on the 30th day of November, 1983, are each amended by striking out "\$55.00" at the end of each clause and respectively inserting in lieu thereof for,

- (a) clause (a), \$58.00;
- (b) clause (b), \$58.00.

(3) Clauses (a), (b), (c) and (d) of paragraph 3 of section 10 of SCHEDULE 5 of By-law No. 79-323, as enacted by section 4 of By-law No. 83-261, are each amended by striking out "\$55.00" at the end of each clause (a), (b), (c) and (d) and respectively inserting in lieu thereof for,

- (a) clause (a), \$58.00;
- (b) clause (b), \$58.00;
- (c) clause (c), \$58.00;
- (d) clause (d), \$58.00.

8. Paragraph 1 of section 7 of SCHEDULE 6 of By-law No. 79-323, as amended by section 3 of By-law No. 84-244, is amended by striking out "\$158.00" at the end of the paragraph and inserting in lieu thereof "\$165.00".

9. Paragraph 2 of section 7 of SCHEDULE 7 of By-law No. 79-323, as re-enacted by section 6 of By-law No. 82-197 passed on the 14th day of September, 1982 and amended by section 4 of By-law No. 84-244, is amended by striking out "\$15.00" at the end of paragraph 2 and inserting in lieu thereof "\$16.00".

10. Paragraph 1 of section 3 of SCHEDULE 12 of By-law No. 79-323 is amended by striking out "\$263.00" at the end of the paragraph and inserting in lieu thereof "\$275.00".

11. Paragraph 1 of section 5 of SCHEDULE 13 of By-law No. 79-323, as amended by subsections 5(2) and 5(3) of By-law No. 84-244, are each amended by striking out "\$131.00" at the end of clause (c) and "\$35.00" at the end of clause (d) and respectively inserting in lieu thereof for,

- (a) clause (c), \$138.00;
- (b) clause (d), \$37.00.

12. (1) Clause (a) of paragraph 2 of section 6 of SCHEDULE 15 of By-law No. 79-323, as amended by subsection 6(1) of By-law No. 84-244, is amended by striking out "\$55.00" at the end of the clause and inserting in lieu thereof "\$58.00".

(2) Clauses (a), (b), (d) and (e) of paragraph 2 of section 6 of SCHEDULE 15 are each amended by striking out "\$10.00" at the end of clause (a), "\$30.00" at the end of clause (b), "\$10.00" at the end of clause (d), "\$15.00" at the end of clause (e) and respectively inserting in lieu thereof for,

- (a) clause (a), \$11.00;
- (b) clause (b), \$32.00;
- (c) clause (d), \$11.00;
- (d) clause (e), \$16.00.

(3) Clause (c) of paragraph 2 of section 6 of SCHEDULE 15 of By-law No. 79-323, as amended by subsection 7(1) of By-law No. 84-244, is amended by striking out "\$263.00" in the fourth line and inserting in lieu thereof "\$276.00".

(4) Clause (c) of paragraph 2 of section 6 of SCHEDULE 15 of By-law No. 79-323, is amended by striking out "\$30.00" in the eighth line and substituting in lieu thereof "\$32.00".

(5) Clause (b) of paragraph 3 of section 6 of SCHEDULE 15 of By-law No. 79-323, as amended by subsection 7(2) of By-law No. 84-244, is amended by striking out "\$210.00" at the end of the clause and inserting in lieu thereof "\$220.00".

(6) Paragraph 4 of section 6 of SCHEDULE 15 of By-law No. 79-323, as re-enacted by subsection 7(3) of By-law No. 84-244, is amended by striking out "\$210.00" at the end of the paragraph and inserting in lieu thereof "\$220.00".

(7) Clause (a) of paragraph 5 of section 6 of SCHEDULE 15 of By-law No. 79-323 is amended by striking out "\$45.00" at the end of the paragraph and inserting in lieu thereof "\$47.00".

(8) Clauses (a) and (b) of paragraph 6(i) of section 6 of SCHEDULE 15 of By-law No. 79-323, as re-enacted by section 1 of By-law No. 81-79, passed on the 24th day of February, 1981, and amended by subsections 7(4) and 7(5) of By-law No. 84-244, are each amended by striking out "\$126.00" at the end of clause (a) and "\$32.00" at the end of clause (b) and inserting in lieu thereof for,

(a) clause (a), \$140.00;

(b) clause (b), \$35.00.

(9) Paragraph 6(ii) of section 6 of SCHEDULE 15 of By-law No. 79-323, as re-enacted by section 1 of By-law No. 81-79 and amended by section 1 of By-law No. 84-261, is amended by striking out "\$2,100.00" in the third line and inserting in lieu thereof "\$2,200.00".

(10) Clauses (a), (b), (c) and (d) of paragraph 7 of section 6 of SCHEDULE 15 of By-law No. 79-323 are each amended by striking out "\$55.00" at the end of clause (a), "\$105.00" at the end of clause (b), "\$158.00" at the end of clause (c), "\$210.00" at the end of clause (d) and respectively inserting in lieu thereof for,

(a) clause (a), \$58.00;

(b) clause (b), \$110.00;

(c) clause (c), \$166.00;

(d) clause (d), \$220.00.

(11) Clauses (a), (b), (c) and (d) of paragraph 9 of section 6 of SCHEDULE 15 of By-law No. 79-323 are each amended by striking out "\$55.00" at the end of clause (a), "\$105.00" at the end of clause (b), "\$158.00" at the end of clause (c) and "\$210.00" at the end of clause (d) and respectively inserting in lieu thereof for,

(a) clause (a), \$58.00;

(b) clause (b), \$110.00;

(c) clause (c), \$166.00;

(d) clause (d), \$220.00.

(12) Paragraph 10 of section 6 of SCHEDULE 15 of By-law No. 79-323, as amended by subsection 7(6) of By-law No. 84-244, is amended by striking out "\$210.00" at the end of the paragraph and inserting in lieu thereof "\$220.00".

(13) Paragraph 11 of section 6 of SCHEDULE 15 of By-law No. 79-323, as amended by subsection 7(7) of By-law No. 84-244, is amended by striking out "\$15.00" at the end of the paragraph and inserting in lieu thereof "\$16.00".

(14) Clauses (a) and (b) of paragraph 12 of section 6 of SCHEDULE 15 of By-law No. 79-323 are each amended by striking out "\$15.00" at the end of clause (a) and "\$30.00" at the end of clause (b) and respectively inserting in lieu thereof for,

(a) clause (a), \$16.00;

(b) clause (b), \$32.00.

(15) Paragraph 13 of section 6 of SCHEDULE 15 of By-law No. 79-323 is amended by striking out "\$15.00" at the end of the paragraph and inserting in lieu thereof "\$16.00".

13. Clauses (a) and (b) of paragraph 1 of section 10 of SCHEDULE 16 of By-law No. 79-323, as amended by section 8 of By-law No. 84-244, are amended by striking out "\$85.00" at the end of clause (a) and "\$85.00" at the end of clause (b) and respectively inserting in lieu thereof for,

(a) clause (a), \$90.00;

(b) clause (b), \$90.00.

14. (1) Paragraph 1 of section 3 of SCHEDULE 19 of By-law No. 79-323, as amended by subsection 9(1) of By-law No. 84-244, is amended by striking out "\$25.00" at the end of the paragraph and inserting in lieu thereof "\$26.00".

(2) Paragraph 2 of section 3 of SCHEDULE 19 of By-law No. 79-323, as amended by subsection 9(2) of By-law No. 84-244, is amended by striking out "\$525.00" at the end of the paragraph and inserting in lieu thereof "\$550.00".

15. Paragraph 1 of section 6 of SCHEDULE 23 of By-law No. 79-323, as amended by section 11 of By-law No. 84-244, is amended by striking out "\$25.00" at the end of the paragraph and inserting in lieu thereof "\$26.00".

16. Paragraph 1 of section 3 of SCHEDULE 24 of By-law No. 79-323 is amended by striking out "\$15.00" at the end of the paragraph and inserting in lieu thereof "\$16.00".

17. Paragraphs 1 and 2 of section 2 of SCHEDULE 25 of By-law No. 79-323 are each amended by striking out "\$35.00" at the end of paragraph 1 and "\$20.00" at the end of paragraph 2 and respectively inserting in lieu thereof for,

(a) paragraph 1, \$37.00;

(b) paragraph 2, \$21.00.

18. Paragraphs 1 and 2 of section 3 of SCHEDULE 27 of By-law No. 79-323 are each amended by striking out "\$35.00" at the end of paragraph 1 and "\$30.00" at the end of paragraph 2 and respectively inserting in lieu thereof for,

(a) paragraph 1, \$37.00;

(b) paragraph 2, \$32.00.

19. Paragraph 1 of section 19 of SCHEDULE 28 of By-law No. 79-323, as amended by section 12 of By-law No. 84-244, is amended by striking out "\$116.00" at the end of the paragraph and inserting in lieu thereof "\$122.00".

20. Paragraph 1 of section 3 of SCHEDULE 29 of By-law No. 79-323, as amended by section 13 of By-law No. 84-244, is amended by striking out "\$35.00" at the end of the paragraph and inserting in lieu thereof "\$37.00".

21. Paragraph 1 of section 2 of SCHEDULE 31 of By-law No. 79-323, as amended by section 14 of By-law No. 84-244, is amended by striking out "\$210.00" at the end of the paragraph and inserting in lieu thereof "\$220.00".

22. Paragraphs 1, 2, 3, 4, 6 and 7 of section 10 of SCHEDULE 32 of By-law No. 79-323, as amended by section 15 of By-law No. 84-244, are each amended by striking out "\$60.00" at the end of paragraph 1, "\$30.00" at the end of paragraph 2, "\$25.00" at the end of paragraphs 3 and 4, "\$20.00" at the end of paragraphs 6 and 7 and respectively inserting in lieu thereof for,

- (a) paragraph 1, \$63.00;
- (b) paragraph 2, \$32.00;
- (c) paragraph 3, \$21.00;
- (d) paragraph 4, \$21.00;
- (e) paragraph 6, \$26.00;
- (f) paragraph 7, \$26.00.

23. Section 12 of SCHEDULE 42 of By-law No. 79-323, as re-enacted by section 4 of By-law No. 87-294, passed on the 27th day of October 1987, is amended by striking out the fees referred to in each of clauses 1(a), (b), (c) and 2 and inserting in lieu thereof for,

- (a) clause 1(a), \$525.00;
- (b) clause 1(b), \$1,050.00;
- (c) clause 1(c), \$1,600.00;
- (d) clause 2, \$52.00.

24. Clauses (i) and (ii) of subsection 2(2) of By-law No. 80-257, passed on the 31st day of March, 1980, are each respectively amended by striking out "\$116.00" at the end of clause (i) and "\$231.00" at the end of clause (ii) and respectively inserting in lieu thereof for,

- (a) clause (i), \$122.00;
- (b) clause (ii), \$243.00.

25. In all other respects, By-laws No. 76-32, 79-144 and 80-259 are hereby confirmed, unchanged.

26. This By-law comes into effect on the 1st day of January, 1989.

PASSED this day of A.D. 1988.

City Clerk

Mayor

(1988) R.L.C.

FOR ACTION

2.(b)

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 October 25

COMM FILE:


DEPT FILE:

SUBJECT:

Latvian Flag

RECOMMENDATION:

That approval be given to the request of the Latvian Society of Hamilton to fly the Latvian Flag at City Hall from 1988 November 12 to November 19 to mark the occasion of Latvian Independence Day on November 18.


.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Corporation of the City of
Memorandum

2.(c)

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: E. A. Simpson
City Clerk

OUR FILE:
PHONE: 526-2729

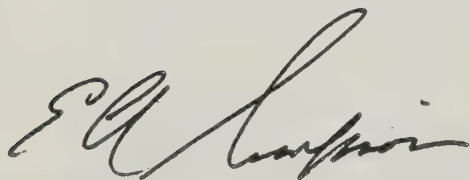
SUBJECT: ST. JOSEPH'S HOSPITAL FOUNDATION

DATE: 1988 October 26

Attached is a copy of a letter from the Executive Director, St. Joseph's Hospital Foundation dated 1988 October 05 requesting that the City purchase an ad on 1988 November 05 in the Hamilton Spectator Supplement on the needs of a modern hospital. A similar request for the City to purchase an ad on 1986 October 04 in the Hamilton Spectator Supplement on St. Joseph's Hospital was considered by the Legislation Committee in September, 1986.

However, rather than purchasing an ad in the special supplement, City Council decided to make a donation to the St. Joseph's Hospital Building Fund in the amount of \$2 080.

Although each application is considered on its own merits, it has been the practice of the Legislation Committee not to purchase advertising space in special editions and supplements. The Committee has preferred to use a more appropriate method of recognition.



EAS:mjw

Attachment



St. Joseph's Hospital Foundation
354 KING ST. WEST, HAMILTON, ONTARIO L8P 1B6
(416) 521-6036

RECEIVED

OCT 5 1988

October 5, 1988

Mr. Ed. Simpson, City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

CITY CLERKS

Dear Mr. Simpson:

A modern hospital must have modern equipment if it is to provide excellence of care to the sick and injured.

As part of a continuing effort to raise the money needed St. Joseph's Hospital will be publishing a special supplement in the Hamilton Spectator explaining in some detail what the needs are. This special section will be published November 5, 1988 and distributed to some 208,000 households in the area of Hamilton-Wentworth, Burlington, and the Niagara Peninsula. This will heighten the awareness of our campaign and hopefully instill generosity in the people of our community.

With readership approaching 400,000 this is an ideal opportunity for you to tell your story in your own words. An advertisement placed in this section will reach 80% of the homes in the area and will go a long way in offering support to this community minded venture.

Won't you support this very worthwhile project by sponsoring an ad. While the enclosed information relates to specific ad sizes any amount you wish to contribute will be appreciated.

A member of our Fund Raising Committee will be contacting you shortly and we hope that you will join others in this very worthwhile project. As a company doing business in this area, you know how important it is to keep this community a happy and healthy place in which to live and work. Your participation will help us to set the pace for a successful equipment campaign and enable us to continue to offer the finest in health care services.

We look forward to your support.

Yours truly,

Mrs. Jeannette Gilkes
Executive Director
:tc
Encl:

SIZE "D"

FULL PAGE

10 $\frac{3}{4}$ " w x 13" D

\$ 3400⁰⁰

SIZE "A"

2 $\frac{3}{4}$ " w x 3 $\frac{1}{4}$ " D

\$ 250⁰⁰

SIZE "B"

5 $\frac{1}{2}$ " w x 3 $\frac{1}{4}$ " D

\$ 420⁰⁰

SIZE "C"

10 $\frac{3}{4}$ " w x 3 $\frac{1}{4}$ " D

\$ 840⁰⁰

FOR ACTION

2.(d)

REPORT TO: Legislation Committee

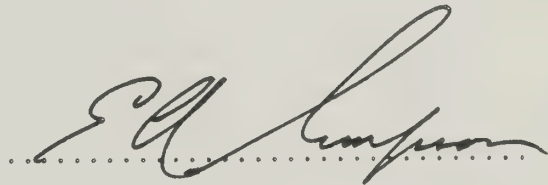
FROM: E. A. Simpson
City Clerk

DATE: 1988 October 25
COMM FILE:
DEPT FILE:

SUBJECT: Baltic Memorial Plaque

RECOMMENDATION:

That approval be given to the condensed version of the text of the Baltic Memorial Plaque to be erected in City Hall attached hereto as Appendix "A".



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Attached hereto as Appendix "B" is a copy of the original text which was approved by City Council 1988 September 27.

The Baltic Memorial Committee have found it necessary to condense the text due to the limitation placed on the size of the plaque, namely, 18" X 12". The wording and intent are essentially the same.

Baltic Memorial Committee
P. O. Box 998
Hamilton, Ont. L8N 3R1

October 6, 1988.

Mr. John Thompson, Secretary
Legislation Committee
The Corporation of the City of Hamilton
City Hall, 71 Main Street West,
Hamilton, Ont. L8N 3T4

Dear Sir:

This is a condensed copy of the text of the Baltic Memorial Plaque, approved by the City Council, September 27, 1988:

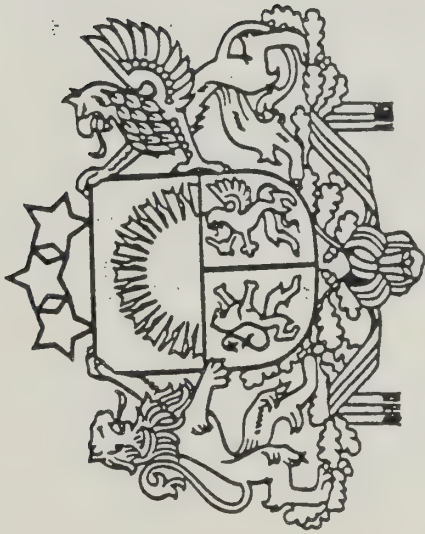
THIS PLAQUE IS ERECTED IN MEMORY OF OVER ONE MILLION BALTIC CITIZENS DEPORTED TO SLAVE CAMPS DURING THE SOVIET OCCUPATION FOLLOWING THE STALIN-HITLER PACT OF 1939.

THE VICTIMS OF MASS DEPORTATIONS - MEN WOMEN AND CHILDREN DIED UNDER MOST INHUMAN CONDITIONS. THE DELIBERATE GENOCIDE, DESTRUCTION OF BALTIC CULTURES AND FORCED COLONIZATION OF THE COUNTRIES IS IN DIRECT VIOLATION OF THE UNITED NATIONS HUMAN RIGHTS CHARTER AND THE INTERNATIONAL ANTI-GENOCIDE COVENANT. IT SHOULD NOT AND CANNOT BE TOLERATED BY THE DEMOCRATIC WORLD!

ESTONIAN, LATVIAN, LITHUANIAN SOCIETIES IN HAMILTON
COMMEMORATING THE 70TH ANNIVERSARY OF THEIR INDEPENDENCE
(1918 - 1988)

A. O. Zemitis
A. O. Zemitis, Secretary
Baltic Memorial Committee, Hamilton.

APPENDIX "A"



THE CANADIAN CITIZENS OF BALTIC ORIGIN - ESTONIANS, LATVIANS AND LITHUANIANS CELEBRATING THE 70TH ANNIVERSARY OF THE INDEPENDENCE OF THEIR BIRTH-COUNTRIES - DEDICATE THIS PLAQUE IN MEMORY OF OVER ONE MILLION BALTIC CITIZENS DEPORTED TO SIBERIAN SLAVE CAMPS DURING THE SOVIET OCCUPATION OF THE INDEPENDENT ESTONIA, LATVIA AND LITHUANIA. THE MASS DEPORTATIONS BEGAN IN 1941 DURING SOVIET COLLABORATION WITH NAZI GERMANY ACCORDING TO STALIN-HITLER PACT. FURTHER DEPORTATIONS FOLLOWED IN 1949, AND THE SUBSEQUENT YEARS. THE VICTIMS OF MASS DEPORTATIONS - MEN, WOMEN AND CHILDREN - DIED OF FROST, HUNGER AND DISEASES UNDER MOST INHUMAN CONDITIONS.

THE PLANNED GENOCIDE OF THE BALTIC PEOPLE BY THE SOVIET GOVERNMENT, DESTRUCTION OF THEIR CULTURES AND FORCED COLONIZATION OF THE BALTIC COUNTRIES WITH RUSSIAN MASSES IS IN DIRECT VIOLATION OF THE UNITED NATIONS HUMAN RIGHTS CHARTER AND THE INTERNATIONAL ANTI-GENOCIDE COVENANT. IT MUST NOT HAPPEN WITH THE KNOWLEDGE OF THE CIVILIZED WORLD!

APPENDIX "B"

ESTONIAN, LATVIAN, LITHUANIAN SOCIETIES IN HAMILTON.

1988

OCT 18 1988

FOR ACTION

3. (a)

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Miss A. Schimmel
Director of Culture and Recreation

DATE: 1988 October 17
COMM FILE:
DEPT FILE: Committees

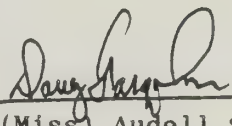
SUBJECT: USE OF CITY COUNCIL CHAMBERS - HAMILTON SPORTS COUNCIL

RECOMMENDATION:

That approval be given for the use of City Council Chambers by the Hamilton Sports Council for the purpose of conducting meetings on the following dates:

- Thursday November 24, 1988
- Thursday January 26, 1989
- Thursday March 23, 1989
- Thursday May 25, 1989

Note: The meetings to commence at 7:30 pm.


for. (Miss) Audell Schimmel,
Director of Culture & Recreation

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

- (1) The Sports Council operates in conjunction with the Department of Culture and Recreation to support the development of sports in the City of Hamilton.
- (2) A copy of the Terms of References and Representative Sport Groups are available from the Department of Culture & Recreation.

FOR ACTION

3. (b)

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Miss A. Schimmel
Director of Culture and Recreation

DATE: 1988 Sept. 28

COMM FILE:

DEPT FILE:

SUBJECT: USE OF CITY COUNCIL CHAMBERS -
BASEBALL/SOFTBALL COUNCIL GENERAL MEETING

RECOMMENDATION:

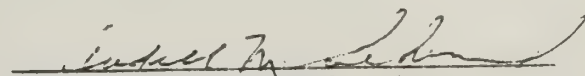
That approval be given for the use of City Council Chambers for the annual Baseball/Softball Council's general meeting. Meeting to commence at 7:30 p.m. on Wednesday, November 16, 1988.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

- (1) The Baseball/Softball Council is inviting delegates from all bat and ball organizations in the City to attend and participate.
- (2) The Council held their last general meeting using the City Council Chambers in the Spring of 1987.
- (3) The Hamilton Baseball/Softball Council operates in conjunction with the Department of Culture and Recreation to support the development of bat and ball sports.


Miss Audell Schimmel, Director
Culture and Recreation Department

AG/bs

FOR ACTION

4.

REPORT TO: John Thompson, Secretary
Legislative Committee
City Clerk's Department

FROM: Paul Kuppe, P.Eng.
Commissioner
Building Department

DATE: October 13, 1988
COMM. FILE:
DEPT. FILE: 88.1.1

SUBJECT:

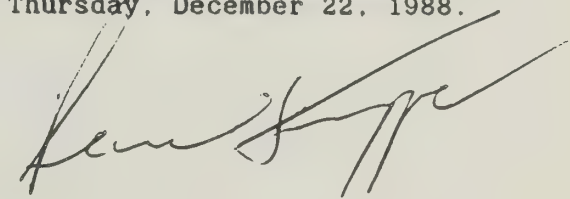
Building Department's Annual Christmas Dinner

RECOMMENDATION:

That the Legislative Committee grant permission for the Building Department to hold their annual Christmas dinner in Room 233 on Thursday, December 22, 1988.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A



BACKGROUND:

The Building Department has been holding a Christmas Dinner on the last working day before Christmas for over thirty years, and it has become not only a tradition, but a time of fellowship for the entire Department.

c.c. - Mrs. Ruth Morrison, City Clerk's Department
- Ms. Linda Paterson, Building Department

ROBERT M. MORROW
MAYOR



5.

October 14th, 1988

OCT 17 1988

Mr. Kenneth K. Goldmann
Chairman
G A S P
c/o 659 Harvest Road
Greensville, Ontario
L9H 5K5

Dear Mr. Goldmann:

Thank you for your recent letter about the work of G A S P.

I have taken the liberty of forwarding your material to the appropriate officials here for their information.

It was good to hear from you and I offer my best wishes in your fine work.

Yours very truly

Robert M. Morrow

Robert M. Morrow
Mayor
City of Hamilton

RMM:tt

cc. ✓ Mr. John Thompson, Secretary - Legislation Committee



City Hall
71 Main Street West, Hamilton, Ontario, Canada L8N 3Z4
Telephone: (416) 526-2790



[1.]

G A S P
(Greensville Against Serious Pollutions)
c/o 659 Harvest Road
Greensville, Ontario. L9H 5K5
Tel.: (416) 627-4647 or 628-0887

SEP 28 1988

September 15, 1988.

Robert Morrow, Mayor,
Hamilton City Hall,
71 Main St. W.
Hamilton, Ontario. L8P 1H4

Dear Mayor Morrow,

Greensville Against Serious Pollution, [GASP], is looking to change the course of Canada's history by not allowing contaminated water to throw us back into plague ridden medieval times.

You have been sent a copy of our proposed legislative solution for part of the problem. We are soliciting your assistance in this matter. Help us, please; use your expertise to make our proposal become law. Our children will thank you.

Yours sincerely,



Kenneth K. Goldmann
Chairman / GASP

cc Geoff Scott M.P. Hamilton/Wentworth
Toby Vigod Canadian Environmental Law Association
Ed Smee The Conserver Society of Hamilton and District
Allen Paterson Director, Royal Botanical Gardens
Maurice G. Lewis Conservation Authorities and Water Management
Ms. Doris Popper Ontario Federation of Agriculture
Hon. David Peterson Premier of Ontario
Hon. Jim Bradley Minister of the Environment
Hon. Chris Ward Minister of Education
Mr. Boris Boyko Director. Hamilton Regional Office, MOE
Hon. Vince Kerrio Minister of Natural Resources
John Vogt District Officer Hamilton Region MOE
John Percy Abatement Supervisor Hamilton Region MOE
Randy Wenzel Environmental Officer Hamilton Region MOE
Mary Ann Seldon Mayor Dundas
John Addison Regional Councillor Dundas
Bill Lawrence Dundas Councillor
Anne Redish Dundas Councillor
Russ Powers Dundas Councillor
Hugh Everett Dundas Councillor
Shelley Dufour Dundas Councillor
John Mykytyshyn Dundas Councillor
Art Samson Dundas Councillor

continued pg. 2

Legislative Solution Continued:

cc Jim Smith Mayor Flamborough
 John Southall Councillor Flamborough
 James Robb Regional Councillor Flamborough
 Ken Bush Councillor Flamborough
 Paul Leader Councillor Flamborough
 John Veltkamp Councillor Flamborough
 Pat Morrison Councillor Flamborough
 Ken Hood Councillor Flamborough
 Herb Lawson Councillor Flamborough
 Sheila Copps M.P. Hamilton East
 Charlie Juravinski President Flamborough Downs
 Wilf Ruland Citizens Environmental Consulting
 Peter C. Pickfield Barrister Turkstra, Garrod and Associates
 Mike Dickman Glenridge Landfill Concerned Citizens Committee
 Stephen J. Cook Editor Flamborough News
 Marilyn Gilmore Editor Dundas Star Journal
 Ken Bosveld Editor Flamborough Review
 Eric McGuinness Hamilton Spectator
 Kevin Marron Globe and Mail
 The Editor Toronto Star
 The Editor Toronto Sun
 John Hardie News Director CHML
 Kathy Renwald CHCH TV

Hon. Elinor Caplan Minister of Health
 Hon. Tom McMillan Minister Environment Canada
 Colin Isaacs Pollution Probe
 Paul Muldoon Energy Probe
 C. Stableford General Manager Hamilton S.P.C.A.
 R. Morrow Mayor City of Hamilton

Rt. Hon. Brian Mulroney Prime Minister of Canada

Ruth French President POWER Acton
 Milo Connelley Green News
 Niagara Escarpment Commission Grimsby

G A S P

(Greensville Against Serious Pollutions)
c/o 659 Harvest Road
Greensville, Ontario. L9H 5K5
Tel.: (416) 627-4647 or 628-0887

September 1st, 1988.

ENVIRONMENTAL POLICY - LANDFILL

We, Greensville Against Serious Pollution, [GASP], are an Environmental Citizens group who are concerned with ground water contamination, not only in our neighbourhood, but throughout Ontario and Canada.

We are a non-political organization and are not anti-business. We are, however, anti-Anything which might pollute our waters.

At present, our group is actively opposing a proposed, 200 acre, fractured limestone quarry dump site. We would rather expend our energies elsewhere.

The issue here is the same as the issue being raised Canada-wide. GARBAGE!! What do we do with it?? No body wants it buried close by!

There are hydrogeologically preferred sites for garbage dumps, but, fractured limestone quarries are not one of them. Local well-water contamination has proven to be a problem around quarry landfill sites. Leachate collected from these sites can be transferred elsewhere, thus spreading the pollutants. Problems are not alleviated, just transferred, and the original problem of, Where to put the stuff, is now, Who will get hurt the least, depending on where it goes?

Regardless, quarry sites were not designed, by nature, to be garbage pits. GASP proposes that, to save all environmental groups, such as ourselves, unnecessary time and monetary expenditures, and more importantly, to save our over-worked Government Agencies, such as the MOE, their time, and money (for Environmental Assessment hearings and costs incurred from Intervenor Funding), legislation be introduced as follows:-

WE, GASP, PROPOSE THAT LEGISLATION BE PASSED (whether Federally, Provincially, or by direct ammendment to Pits and Quarries Legislation) STATING THAT, IN THE REHABILITATION OF ANY ONTARIO OR CANADA BASED QUARRY, IT IS ILLEGAL FOR REHABILITATION TO INCLUDE ANY ACCEPTANCE OF WASTES AS LAND FILL. [THIS INCLUDES, ALL, INDUSTRIAL, COMMERCIAL AND RESIDENTIAL WASTES, WHETHER CLASSED AS NON-HAZARDOUS OR HAZARDOUS.] IN REHABILITATION OF A QUARRY SITE, IT WILL BE SUFFICIENT TO CONTOUR THE EDGES OF THE SITE WITH A SAFE, SLOPING TERRAIN. NATURAL OVERBURDEN FROM THE AREA MAY BE USED AS THE PRIMARY FILL.

This proposal, once passed into law, will eliminate the need for Environmental Assessment in dump site applications from pits and quarries. There will be no applications, and as a result, no possibility for garbage causing ground water contamination. This is our goal.

This policy statement will be circulated Province-wide and will include Provincial, Federal and Municipal Government Agencies, as well as Private Sector Interests.

Policy Statement prepared by Kenneth K. Goldman - Chairman / GASP

G A S P
(Greensville Against Serious Pollutions)
c/o 659 Harvest Road
Greensville, Ontario. L9H 5K5
Tel.: (416) 627-4647 or 628-0887

September. 1988.

RE: G.A.S.P., Greensville Against Serious Pollution Press Release.

Greensville Against Serious Pollutions, G.A.S.P. was founded in the fall of 1984, by Ken Goldmann and Mark Osborne. The persistent problem of lime kiln particulate emissions from nearby Steetley Industries prompted the formation of this citizens action group.

Greensville is a rural settlement within the Town of Flamborough. Greensville lies between # 5 highway (to the north) and the Niagara Escarpment, (to the south). It is one of Ontario's oldest rural settlements and precedes the operations of Steetley Industries.

Steetley Industries operates an open pit quarrying facility, producing limestone aggregate products for domestic and industrial use. In the process of manufacturing, particulate emissions emanate from the smokestacks of Steetley's lime kilns. Initially, and inadequately, in G.A.S.P.'s opinion, Steetley attempted to collect stack particulate emissions by filtration methods. This method resulted in frequent particulate fallout in the surrounding residential community.

Continued and persistent requests by residents, and G.A.S.P., have resulted in the Ministry of the Environment, and Steetley seeing to the installation of electrostatic precipitators in the lime kiln stacks. The intent of these precipitators was to decrease particulate emissions. Emissions for whatever reasons have continued. Requests for further reductions of particulate emissions are warranted, as it is G.A.S.P.'s opinion, that significant "spills" are still being reported to the Ministry of the Environment. Not only do residents have to put up with the repeated expense and inconvenience of having to wash fallout from cars, houses, patios, they wonder and are concerned about the effects upon vegetation, and human health that this dust may have.

G A S P

(Greensville Against Serious Pollutions)

Airborn emissions do not only originate from Steetley's lime kiln stacks. In addition fugitive dust from quarry operations have the same already mentioned effects of health concerns, expense, and inconvenience, to residents down wind of the quarry.

Steetley is obligated under present legislation, The "Pits & Quarries Act", to "rehabilitate" its old quarrying sites. A previous quarrying site created by Steetley's predecessor Canada Crushed Stone, is presently being rehabilitated by landfilling a fractured lime stone quarry with "non hazardous industrial waste". This site is on the immediate edge of the Niagara Escarpment, above Dundas, Ontario. Rehabilitation of this site was initiated prior to the present environmental legislation. It is the opinion of G.A.S.P. that this site potentially contains substances that would not meet present criteria, that would classify them as "non hazardous". It is also G.A.S.P.'s opinion that random on site inspection of loads prior to dumping is presently inadequate. Leachate from this site enters the Dundas sewer system, and eventually goes to ground in Lake Ontario. Dundas residents below the site have been prompted to seal manhole covers with plastic. Apparently because of noxious smells emanating from these manholes.

Steetley Industries has future plans to rehabilitate an additional 200 acre fractured limestone quarry, to the north of # 5 highway, and Greensville. Leachate would potentially flow south through Greensville to the Niagara Escarpment. Greensville as well as most of the other Flamborough residents depend on wells as their sole source of readily available potable water. Further rehabilitation future of sites presently being quarried, is likely to be with "non hazardous industrial, commercial, and domestic solid waste".

Presently Steetley Industries has approached the Ministry of the Environment for a presubmission consultation re Steetley's landfill proposals for the 200 acre site. A date for an environmental assessment hearing is pending.

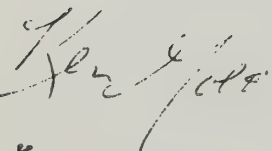
G.A.S.P. is raising public awareness and funds through various community efforts. Our projected budget is \$125,000.00 per year. We have hired a hydrogeologist and propose to hire an environmental lawyer, with an environmental assessment firm.

G A S P
(Greenville Against Serious Pollutions)

G.A.S.P.'s experience to date has lead its executive to conclude that leadership has to come from the grassroots level. Can we as a community, region, province, or country, afford to just intellectualize over environmental problems, or speculate on how much time we have? Action is needed now. We must find ways to reuse, and recycle solid wastes. We can no longer afford to bury our wastes with our heads in the sand. We are not anti-profit, we are not anti-Steetley, we are Anti-Garbage.

PROFIT IS ONLY A DIRTY WORD IF IT MAKES DIRTY WATER !

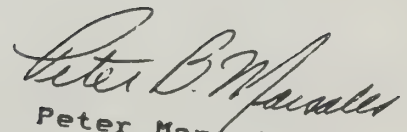
Yours truly,

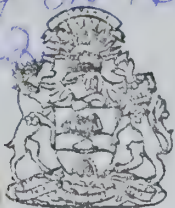


Ken Goldmann
Chairman



Mark Osborne
Co-Chairman


Peter Marsales
Communications



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1988 December 01

NOTICE OF MEETING

Legislation Committee
Monday, 1988 December 05
10:00 o'clock a.m.
Room 233, City Hall



John Thompson, Secretary
Legislation Committee

JT:mjw

A G E N D A

1. Approval of the Minutes of the Meeting held 1988 October 31.
2. MANAGER OF PURCHASING
Supply and Delivery of One (1) Sub-Compact Vehicle, City Clerk's
Department
3. MR. L. SAGE
CHIEF ADMINISTRATIVE OFFICER
Report on Licencing
4. USE OF CITY HALL FACILITIES
 - (a) Max Rotman Humanitarian Awards Ceremony
 - (b) Chanukah Celebrations
 - (c) Local Architectural Conservation Advisory Committee - Heritage Week
 - (d) Ontario Lottery Corporation



5. COMMEMORATIVE BOOK FOR RABBI BASKIN - Request to Purchase Advertising Space
6. EXECUTIVE COMMITTEE
Hamilton Spectator Indoor Games - Hosting Reception
7. HAMILTON LICENCING BY-LAW NO. 87-234 RESPECTING FLEA MARKETS -
Repeal of Parking and Distance Requirements
8. INSTALLATION OF CANADIAN FOOTBALL HALL OF FAME AND MUSEUM SIGN
9. PETITION REGARDING HARVARD SQUARE PLAZA - Alderman T. Murray
See Comments of Director of Local Planning and
Manager of Licencing, attached
10. RESOLUTIONS
 - (a) Bill 145 -
An Act to Prohibit the Sale of Gun Replicas
 - (b) City of York -
Post Office Services
11. CIVIC AWARDS
Steel City Riders' Motorcycle Club
12. ASSOCIATION OF MUNICIPALITIES OF ONTARIO -
Request for Nominations
13. NEW BUSINESS
14. ADJOURNMENT

Monday, 1988 October 31
10:00 o'clock a.m.
Room 233, City Hall

1.

The Legislation Committee met.

There were present: Alderman V. J. Agro, Chairman
Alderman D. Christopherson, Vice-Chairman
Mayor R. M. Morrow
Alderman M. Kiss
Alderman R. Wheeler
Alderman P. Cowell
Alderman J. Gallagher
Alderman T. Murray

Absent with Regrets: Alderman P. Valeriano

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. E. A. Simpson
Mr. S. Dembe, Manager of Licencing
Mr. D. Vyce, Director of Property
Mr. P. Hooker, City Solicitor's Office
John Thompson, Secretary

1. ENGINEERING SOCIETY CENTENNIAL COMMEMORATIVE PLAQUE AND TIME CAPSULE

At its meeting held 1988 April 26, City Council in adopting Section 5 of the SIXTH Report of the Legislation Committee granted permission to the Hamilton Chapter of the Canadian Society of Civil Engineers to erect a commemorative plaque and time capsule upon the grounds of City Hall conditional upon the Legislation Committee being satisfied that the monument is architecturally compatible with City Hall and aesthetically pleasing.

Mr. S. R. Borwankar, Chairman, Hamilton Chapter of the Canadian Society of Civil Engineers appeared before the Committee and advised that representatives of his Society have met with Mr. Vyce and his staff to discuss the design and the materials to be used in the construction of the time capsule/monument. He explained that the monument itself has been scaled down in size and its shape altered slightly. A bronze plaque has been manufactured together with a stainless steel ring emblematic of the Canadian Engineering Profession which is proposed to be erected on the monument.

The Society is still proposing a concrete exterior surface for the monument itself. The exterior appearance will be of a material similar to the concrete textured surface prevalent along with south elevation of the Art Gallery and Commonwealth Square across from City Hall.

Mr. Vyce advised in a report dated 1988 August 03 that his staff have reviewed the design and the materials proposed for the monument and in their opinion, both are satisfactory for the use contemplated and will not detract from the grounds of City Hall.

The Committee received and approved a comprehensive brief dealing with the construction of the time capsule/monument.

Following consideration, the Committee authorized the Hamilton Section of the Canadian Society of Civil Engineers to proceed with the construction of the monument as outlined in their brief. The monument will be erected upon the grounds of City Hall, west of the building of the elevated park space.

2. MINUTES

The minutes of the meetings of the Legislation Committee held 1988 September 19 and 1988 October 03 were received and adopted as circulated to the members.

Engineering
Society
Centennial
Commemorative
Plaque and Time Capsule

1989
Licence
Fees

3. 1989 LICENCE FEES

The Committee was in receipt of a report of the City Clerk dated 1988 October 24 recommending that the general licence fees be increased by 5% for 1989 and that the appropriate licencing by-laws be amended accordingly. This proposed increase will generate an additional \$30 000 revenue per year.

City Council in adopting Section 2 of the THIRTEENTH Report of the Legislation Committee for 1987 authorized licence fee increases of 5% for 1988 and the cost of inflation or 5% for 1989. The Treasurer advises that a 5% increase would be appropriate. In some cases, licence fees in the by-laws were rounded off to the nearest dollar which streamlines computer processing and lessens change handling.

Alderman Christopherson suggested that the Committee should undertake a full review and study of all licence fees during the coming year to determine whether adjustments should be made in respect of any increases or decreases and to place a proposal before the Legislation Committee during the 1990 budget process. He commented that certain licence fees should be increased because of the value of the licences in the market place. He also recommended that the general licence fees be increased by the cost of inflation which is 4.5%.

Following consideration, the Committee agreed to submit the following recommendations to City Council for approval.

- (a) That the general licence fees be increased by 4.5 percent for 1989.
- (b) That the City Solicitor be authorized and directed to prepare a by-law for submission to City Council to amend the following By-laws respecting various licence fees:
 - (i) By-law No. 76-32 (Body Rub Parlours)
 - (ii) By-law No. 79-144 (Adult Entertainment Parlours)
 - (iii) By-law No. 79-323 (Trades, Callings, Occupations)
 - (iv) By-law No. 80-259 (Second Level Lodging Houses)

Latvian
Flag

3. LATVIAN FLAG

The Committee agreed to recommend to City Council that approval be given to the request of the Latvian Society of Hamilton to fly the Latvian Flag at City Hall from 1988 November 12 to November 19 to mark the occasion of the Latvian Independence Day on November 19.

St. Joseph's
Hospital
Foundation -
Purchase of
Ad in
Spectator
Supplement

4. ST. JOSEPH'S HOSPITAL FOUNDATION - PURCHASE OF AD IN SPECTATOR SUPPLEMENT

The Committee approved of purchasing an ad for the City of Hamilton on 1988 November 12 in the Hamilton Spectator Supplement supporting St. Joseph's Hospital in their continuing search for excellence in the field of health care and their efforts to raise the money needed for their equipment campaign and that the cost of the ad in the amount of \$1 680 be charged to the City Clerk's advertising account.

5. BALTIC MEMORIAL COMMITTEE - APPROVAL OF CONDENSED VERSION OF TEXT OF THE BALTIC MEMORIAL PLAQUE

The Committee agreed to recommend to City Council that approval be given to the condensed version of the text of the Baltic Memorial Plaque to be erected in City Hall as submitted by the Baltic Memorial Committee.

It was noted that consistent with the City's policy for the erection of plaques in the City Hall, the Baltic Memorial Committee found it necessary to condense the text due to the limitation on the size of the plaque.

Baltic
Memorial Committee -
Approval of
Condensed Version
of the Text of the
Baltic Memorial Plaque

6. HAMILTON SPORTS COUNCIL - USE OF COUNCIL CHAMBERS

As recommended by the Director of Culture and Recreation in a report dated 1988 October 17, the Committee agreed to submit the following recommendation to City Council for approval.

That approval be given for the use of City Council Chambers by the Hamilton Sports Council for the purpose of conducting meetings on the following dates commencing at 7:30 o'clock p.m.:

- Thursday, 1988 November 24
- Thursday, 1989 January 26
- Thursday, 1989 March 23
- Thursday, 1989 May 25

Note: The Sports Council operates in conjunction with the Department Culture and Recreation to support the development of sports in the City of Hamilton.

Use
of
Council Chambers -
Hamilton Sports
Council

7. BASEBALL/SOFTBALL COUNCIL GENERAL MEETING - USE OF COUNCIL CHAMBERS

As outlined in a report by the Director of Culture and Recreation dated 1988 September 28, the Committee agreed to submit the following recommendation to City Council for approval.

That approval be given for the use of City Council Chambers for the annual Baseball/Softball Council's general meeting commencing at 7:30 p.m. on Wednesday, 1988 November 16.

Note: The Hamilton Baseball/Softball Council operates in conjunction with the Department of Culture and Recreation to support the development of bat and ball sports.

Use of
Council Chambers -
Baseball/Softball
Council General
Meeting

8. BUILDING DEPARTMENT'S ANNUAL CHRISTMAS DINNER

The Committee approved the request of Mr. P. Kuppe, Building Commissioner to use Room 233 on Thursday, 1988 December 22 for his Department's annual Christmas dinner.

Building Department -
Annual Christmas
Dinner

G A S P
(Greensville
Against Serious
Pollutions)

9. G A S P (Greensville Against Serious Pollutions)

The Committee agreed to submit the following resolution to City Council for endorsement and support.

"That legislation be passed (whether Federally, Provincially or by a direct amendment to the Pits and Quarries Control Act to provide that, in the rehabilitation of any Ontario or Canada based quarry, it is illegal for rehabilitation to include any acceptance of wastes as land fill. (This includes all industrial, commercial and residential wastes, whether classed as non hazardous or hazardous). In rehabilitation of a quarry site, it will be sufficient to contour the edges of the site with a safe, sloping terrain. Natural overburden from the area may be used as the primary fill."

Use
of
City Hall Facilities
Reverend M. Baldasaro

10. REVEREND M. BALDASARO - USE OF CITY HALL FACILITIES

Reverend M. Baldasaro, candidate for the Office of Mayor in the upcoming civic election and Reverend W. Tucker appeared before the Committee requesting permission to use the City Hall facilities on 1988 November 11 for a pictorial display and commentary on Hamilton's Harbour area.

Since Mr. Baldasaro is an official candidate in the upcoming civic election, and cognisant of the fact that the pictorial display and commentary could be used to aid his political campaign, the Committee denied Mr. Baldasaro's request to use the second floor foyer area of City Hall on 1988 November 11.

Constitutional
Validity of
The Municipal
Elections Act -
Reverend M. Baldasaro

11. REVEREND M. BALDASARO - CONSTITUTIONAL VALIDITY OF
THE MUNICIPAL ELECTIONS ACT

The Committee was in receipt of a letter from Reverend M. Baldasaro dated 1988 October 24 addressed to the attention of the City Clerk and Returning Officer in which he raised the question of the constitutional validity of The Municipal Elections Act. Reverend Baldasaro was also in attendance along with Reverend W. Tucker to discuss the matter.

Following consideration, the Committee directed that the correspondence be received with no action as it is considered that this issue is not within the jurisdictional authority of the Legislation Committee and as such is a matter to be more properly dealt with by the Provincial Government.

Resolution
Passed
by
City Council
Respecting
the
Licencing Committee

12. RESOLUTION PASSED BY CITY COUNCIL RESPECTING THE LICENCING COMMITTEE

Mr. L. Sage, Chief Administrative Officer reported that he has had staff meetings with both the City Departments and the Police Department on the request from City Council for an investigation of the management aspects and any criminal activity respecting the City of Hamilton Licencing Committee function.

He advised that the investigation will preclude any judgement or investigation of the activities of members of the Licencing Committee or any members of City Council. The City Departmental investigation will only concern the administrative and management of licencing. The police will restrict their investigation to determining if there is any criminal activity associated with the licencing function. On completion of the report, it will be submitted to the Legislation Committee for consideration. Mr. Sage was requested to formalize his verbal comments in writing as a matter of record.

13. ELECTION SIGNS

Alderman Gallagher questioned whether the myriad of lawn signs and railing signs posted throughout the various wards in connection with the upcoming civic election serve any useful purpose. He suggested that the Committee should investigate the possibility of banning lawn and railing signs for future municipal elections. He explained that the lawn and railing election signs pose potential dangers and encourage vandalism. He questioned whether the City would have the legal right to ban election signs for future elections.

Following discussion, it was moved by Alderman Gallagher, seconded by Alderman Murray and carried that the Committee investigate the possibility of banning election signs for future municipal elections.

Alderman Agro was recorded as opposed.

The meeting then adjourned.

Adjournment

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1988 October 31

Typed by M. J. Walton

2.

FOR ACTION

REPORT TO: Mr. John Thompson, Secretary
LEGISLATION COMMITTEE

FROM: MR. T. BRADLEY, MANAGER
PURCHASING

DATE: 1988 November 7

COMM FILE:

DEPT FILE:

NOV 14 1988

SUBJECT: SUPPLY AND DELIVERY OF ONE (1) 1989 SUB-COMPACT VEHICLE, CITY CLERK'S
DEPARTMENT

RECOMMENDATION

That a purchase order be issued to Bay King Motors Ltd., Hamilton, in the amount of \$10,284.20 plus license fee for the supply and delivery of One (1) 1989 Sub-Compact Vehicle for the City Clerk's Department in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of four (4) quotations received. Funds provided in License Automotive Equipment Account #0322-0272.

As the License Inspector has been hired and requires a car immediately, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

J. Agno
Pat Vill
EB. 11.89

T. Bradley

T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)
See above RECOMMENDATION

BACKGROUND-Quotation Analysis

Bay-King Motors Ltd., Hamilton	\$10,284.20
Steel City Chrysler, Hamilton	10,495.00
Johnson Motor Sales, Hamilton	10,467.00
Taylor Chrysler Dodge, Hamilton	10,760.00

FOR ACTION

3.

REPORT TO: Mr. J. Thompson
Legislation Committee

FROM: Mr. Lou Sage
Chief Administrative Officer

DATE: 1988 November 25
COMM FILE:
DEPT FILE: 318-0001

SUBJECT: Report on Licensing

RECOMMENDATION:

1. That the Licensing Committee operate within the regulations and procedures set out in the City of Hamilton Licensing By-laws and the City of Hamilton Act 1978 and which are clearly outlined in the memo from P. Hooker, City Solicitor's Department to the Licensing Committee date November 08, 1988.
2. That no private meetings of the Licensing Committee be held prior to the regular meetings. Any matters for consideration in-camera in accordance with the Licensing By-law and/or The Procedural By-law to be dealt with during regular meetings.
3. That the function of Recording Secretary for the Licensing Committee be removed from the duties of the Manager of Licensing.
4. That the Taxi Cab Priority List be made available to the public for inspection in the City Clerks Department during regular business hours and copies be provided upon request for a nominal fee.

BACKGROUND

Attached for your information is:

1. Interim Report on Licensing from L. Sage - November 02, 1988
2. Memo to Licensing Committee from P. Hooker - November 18, 1988
3. City of Hamilton Act 1978
4. By-law No. 78-224 - "To Establish A Licensing Committee"
5. Extract from By-law 79-323 - "Rules of Procedure on Hearings"

FOR INFORMATION

NOV - 3 1988

REPORT TO: Mr. J. Thompson, Secretary
Legislation Committee

FROM: Mr. Lou Sage
Chief Administrative Officer

DATE: 1988 November 02
COMM FILE:
DEPT FILE: 318-0001

SUBJECT: *Interim Report - Licensing*

BACKGROUND:

On the instructions of City Council, this is an Interim Report on the administrative and management aspects of the Licensing function for the City of Hamilton.

Attached is a report prepared initially by K. Avery, Deputy Clerk on my behalf following a request for such information from Alderman Valeriano, Chairman of the Licensing Committee.

I had a meeting with the representatives of the Police, Legal and City Clerks Department in order to judge the parameters of our study. I reported briefly in writing to the Legislation Committee indicating the approach that would be taken towards the study. We would not be commenting on any activities of the members of the Licensing Committee or members of City Council. The Police Department would only be reacting to any criminal matters discovered respecting the function of the Licensing Committee. The Police will not be in a position to respond until they have concluded their investigation.

I have conducted interviews with the late Alderman D. Lawrence, former Chairman of the Licensing Committee, John Johnston, former Chief License Inspector who now works in the Human Resources Department, Mr. Jack Jones and Mr. A.J. Child, members of the Committee, Shirley Collins, MPP and Al. McGurk former members of the Licensing Committee.

The following actions have been taken in view of the minor administrative deficiency that became apparent from this initial study. The role of the Manager of Licensing has been separated from that of Recording Secretary for the Licensing Committee. Mr. S. Dembe will continue as Manager of Licensing with the function of Secretary to the Committee being undertaken by Mr. Dean Barrow. This move is necessitated by the increasing workload on S. Dembe and the necessity of having accurate minutes that can only be prepared by someone who is there for that purpose alone.

The longstanding arrangement of having prior meetings to discuss agenda items, particularly those not involved in the license applications should be discontinued immediately. The Committee should operate similarly to the Committee of Adjustment which hears applications, takes them under advisement, and then meets privately in order to make a decision at the end of the meeting.

In reviewing the Taxi Cab Priority List and the attendant complaints from the various interests in the taxi industry, I concluded that there should be full publicity and publication of the Priority List at periodic intervals in order to ensure that everyone is familiar with the list of names and the appropriate order. The License Administrator should be given the authority to issue licences in accordance with the list as a matter of administrative routine subject to approval by the License Committee. Changes in the order of issuance due to extenuating circumstances creates precedence which makes it much more difficult to deal with the deluge of requests for changes that follow such decisions.

Although this report primarily concerns itself with the taxi license issuing function there are other activities of the Licensing Committee which can be discussed later such as the issuance of bingo and other business licences.

I will be recommending that a complete study be made of the licensing and enforcement function as it pertains to the Clerks, Traffic and Building Departments in order to contemplate a new Division of Licensing similar to the Licensing and Permits Department that is now functioning in the City of Vancouver.

Conclusion

The review of the activities of the Licensing Division have brought forward some of the interim recommendations listed above which should be discussed by way of Action Reports at the next meeting of the Legislation Committee. Although the Police Department is yet to report on any criminal activity that may pertain to the Licensing function, my investigation of the licensing function from an administrative and management point-of-view does not indicate any cause for concern at this time. I am prepared to continue this investigation in order that my final report would coincide with the report pending from the Police Department. I will also be recommending that a Consultant be retained to review the entire Licensing function of the City of Hamilton, in order to pursue a re-organization of the function to make it a Division with considerably more status and authority within the administrative and management structure of the City.

Encl.

cc Members of City Council
Members of the Licensing Committee

A handwritten signature in dark ink, appearing to be 'L. J. ...', is located at the bottom right of the page.

FOR INFORMATION

REPORT TO: Mr. Lou Sage
Chief Administrative Officer

FROM: Mr. K. E. Avery
Deputy City Clerk

DATE: Oct. 24, 1988

SUBJECT: PROCEDURE USED FOR PROCESSING TAXI CAB LICENCES

BACKGROUND INFORMATION

In 1974, with the beginning of Regional Government, the responsibility for issuance of taxi cab licences was transferred from the Board of Commissioners of Police to the City of Hamilton. At that time, the City took over the maintenance of the Taxi Cab Priority List. This List contained the names of persons interested in receiving a Taxi Plate and dates from 1965 until January 3, 1974.

In 1979, the Licence Committee decided to update the List and also recommended that major revisions be made to the Licencing By-law. This update was necessary because the Manager was unable to contact individuals on the old Priority List and because of the vagueness and uncertainty of the By-law pertaining to the rules by which applicants for Taxi Licences were selected. A major change was made pertaining to the qualifications to require that individuals not merely be involved in the industry at some previous time period but be actively associated as a driver, owner or dispatcher during the two years immediately preceding the date the Committee considers the individual's application.

Advertisements were placed in the Spectator on four consecutive occasions and notices were posted at each Taxi Office to invite everyone to re-apply to have their name placed on an updated List but in exactly the same priority as the original List.

All the 1979 applications are still on file. Members of the taxi industry know that the official copy of the Priority List is retained in the Office of the Manager of Licencing and is always available for perusal. The Priority List is kept on micro-computer and can only be accessed by the use of a code which is known only by key members in the Licencing Division.

City Council within the past three years has increased the Taxi Cab Licence Owners' quota by over sixty (60) taxi plates. Forty-three (43) of the approximate sixty (60) have been added within the last year. As these increases were approved by Council, the Manager of the Licencing Division commenced the selection process by notifying the appropriate number of Taxi Cab Applicants in sequence according to the Priority List. Each applicant was required to file with the Manager an updated application form and proof of earnings as a driver, owner or dispatcher for the immediate two years prior. This proof of earnings required the filing of an Income Tax return or T4 slip for the prior two years. The Manager verified this income tax information with Revenue Canada Taxation - Investigation Division. The Manager and the Legal Department Representative then perused the completed application and submitted a joint recommendation to the Licencing Committee for its consideration.

The Licence Committee was established in 1978 to:

- Receive licence applications and fees;
- To issue and renew licences and approve the transfer of licences where in the opinion of the Committee all requirements have been satisfied;
- To refuse to issue or renew licences or transfers where all the requirements have not been satisfied and;
- To hear an applicant or licensee and to recommend to City Council whether or not a licence should be issued, renewed, transferred, suspended or revoked.

With respect to:

Secret Meetings: I have no evidence of any secret meetings of the Licence Committee being held.

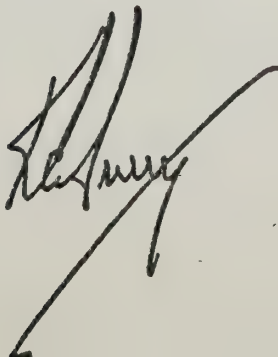
Private Meetings: The present Licence Committee has continued the long standing practice to hold dinner meetings when required prior to its regular meetings which are usually held the second Thursday of each month at 7:00 o'clock p.m. These meetings have been held as a result of consultation by the Manager with the Chairman when it became apparent additional background information on "non-licence application issues" would be helpful to the Committee when dealing with various items on the agenda ie. licence fees, enforcement, matter of staffing, matters involving potential litigation and proposed licencing by-law amendments.

Special Meetings: Within the last year, there have been several special meetings of the Licence Committee to deal with licencing matters particularly relating to the Taxi and Bingo Lottery Industries. Proper written notice was given for these special meetings except when time did not permit and a telephone call replaced a written notice.

Regular Meetings: As previously mentioned, the regular meetings are scheduled for the second Thursday of each month at 7:00 o'clock p.m. Those items which can be dealt with in public, in fact are dealt with in an open meeting, however the Committee goes in-camera when dealing with licencing applications where the character of the applicant is being discussed or matters where potential litigation is involved.

RECOMMENDATIONS

1. I am satisfied that there has been no "tampering" with the Taxi Priority List which was compiled in 1979 to replace the original list established by the Board of Commissioners of Police. This list is available for viewing in the City Clerk's Department by any citizen during regular office hours. I do believe however, that the List should be made more accessible and copies should be made available for a nominal fee to any interested person.
2. It has been the practice over the past ten years for the Licence Committee to meet in private session over dinner prior to a majority of its regular meetings to receive background information from the Manager of Licencing and/or the Legal Department Representative on items on the agenda other than licence applications. Although these private meetings appear to be nothing more than a review of the agenda items other than licence applications, it would seem to me that the Committee would be well advised to discontinue this practice in order to eliminate any misconceptions these meetings may cause.

A handwritten signature in dark ink, appearing to be 'R. L. Smith', is written over a diagonal line that extends from the bottom left towards the center of the page.

Corporation of the City of Hamilton
Memorandum

TO: Chairman and Members of
the City of Hamilton
Licensing Committee
Attention: Mr. S. J. Dembe, Secretary

*Police - YOUR ...
As to ...*

LOW

FROM: Philip R. A. Hooker
City Solicitor's Office

OUR FILE: 130-37.11
130-43.8

SUBJECT: City of Hamilton Licensing Committee

DATE: November 18, 1988

For the reference and guidance of your Committee, we have prepared the following synopsis of the legislation respecting the Committee's operation.

I. ENABLING LEGISLATION: The City of Hamilton Act, 1978, s.o. 1978, ch. 119 gives the City the right to establish a Licensing Committee by by-law.

By-law 78-224 was enacted on July 25, 1978 for that purpose. Subsequent by-laws appointed different members of the committee over the years.

II. MEMBERSHIP OF THE COMMITTEE: The 1978 Act provides that the Committee shall be composed of at least three members appointed by Council of whom one or more may be members of Council.

In recent years membership on the Committee has been five members, consisting of 3 Council members and 2 citizens.

III. QUORUM: The Act provides that a majority of members of the Committee constitutes a quorum, so that when the full membership is 5, a quorum is 3.

IV. QUASI-JUDICIAL BODY: The Licensing Committee, when sitting as a tribunal to hold hearings on licence applications, suspensions or revocations, is governed by The Statutory Powers Procedure Act. In this regard it should be noted that the Licensing Committee, unlike other standing committees of City council, is a quasi-judicial body, that is to say, members hearing matters must be circumspect and conduct themselves as if they were judges in a court of law.

For instance, in dealing with any specific application, the members sitting are not interchangeable. A matter to be heard by the Committee must be completely heard by the same Committee members. If for some reason a member was not available to complete the hearing, the hearing would have to be recommenced.

V. POWERS OF THE COMMITTEE: The powers of the Committee, in the place and stead of council, are

1. To receive licence applications and fees;
2. To issue and renew licences and approve the transfer of licences where in the opinion of the Licensing Committee the requirements for the issue, renewal or transfer of a licence have been satisfied;
3. To refuse to issue or renew licences or approve transfers of licences where in the opinion of the Committee the requirements for the issue, renewal or transfer of a licence have not been satisfied.

VI. NOTICE OF HEARING: In cases where an existing licence or application for a new licence is to be contested before the Committee for any reason, such as non-conformity to by-laws or other applicable laws, alleged bad character or unsuitability of the applicant or licensee, or allegations that the issuance or continued existence in force of a licence would be contrary to the public interest, the applicant or licensee must be given at least 7 clear days' written notice of the hearing, setting out:

- the date, time, place and purpose of the hearing
- the authority under which the hearing is to be held
- the allegations against him
- a warning that, should he fail to attend, the Committee may proceed to hold the hearing in his absence, without further notice
- that he may be represented in person or by counsel or agent, that evidence may be given under oath, and that he may call evidence and witnesses and cross-examine witnesses and make arguments and submission.

VII. DECISIONS OF THE COMMITTEE: Where the Committee makes a decision adverse to the applicant or licensee, i.e. to deny, suspend, revoke or refuse to renew or transfer a licence, the Committee must make a recommendation to council setting out:

- the name of the licensee or applicant
- the type of licence in question
- the evidence heard on both sides
- the recommendation being made by the Committee
- the reasons for the recommendation, sufficiently to enable Council to decide thereon.

VIII. COUNCIL DECISIONS: Once the Committee sends a report to Council with a recommendation adverse to an applicant or licensee, Council makes the final decision after considering the Committee's report and without having to hold a further hearing or having to hear evidence itself. If the applicant or licensee disagrees with Council's decision, he may appeal to the Supreme Court of Ontario.

IX. FORMAL MEETINGS: It is desirable that the Committee meeting be based on and follow a formal agenda and result in a record or minutes of official Committee meeting proceedings. Conducting a telephone poll of Committee members is not a valid method of reaching a decision and we have in the past so advised. The Committee must meet as such.

X. PUBLIC AND PRIVATE MEETINGS: The Statutory Powers Procedure Act provides that where matters of an intimate personal or financial nature may be disclosed at a hearing such that, under the circumstances, the desirability of avoiding their disclosure for the sake of the person affected outweighs the desirability of having the hearing open to the public, the tribunal may hear such matters in camera.

Because some persons coming before the Committee have criminal records or receive social assistance, the Committee generally hears such information in camera, i.e. with the public and news media excluded.

XI. PROCEDURAL BY-LAW: Section 44(1) of the Procedural By-law, 82-203, as amended, under "Access to Information", specifically excludes from the definition of "document" those documents or writings submitted to the City of Hamilton Licensing Committee.

This provision is designed to ensure the confidentiality of the above-mentioned types of documents (e.g. criminal records, etc.) reviewed by the Licensing Committee in the course of its deliberations.

Section 44(4), clause 5 also excludes from public accessibility documents pertaining to "litigation or communication respecting solicitor-client relationships including legal opinions and advice".

For the above reasons, the Committee customarily considers individual licence applications, particularly disputed ones, in camera, as a matter of prudence and sensitivity procedurally and because of the intimate personal facts that may be involved.

XII. OPERATIONAL PROCEDURES: Over the last 10 years that the Licensing Committee has existed, this department has on numerous occasions provided detailed written legal advice to the Committee with regard to many aspects of its operation and procedure. These opinions have related to both particular cases and general matters. Such advice will continue to be provided on request or as circumstances prevailing may require.

In particular, we have many times pointed out that in respect to contentious hearings before the Committee, its members must collectively and individually remember that in such cases the Committee sits as a quasi judicial

body and its members must act accordingly, strictly adhering to the requirements of The Statutory Procedure Act and the contents of existing, applicable by-laws.



Philip R. A. Hooker
for K. A. Rouff
City Solicitor

PRAH:cls

c.c. Chairman and Members,
Legislation Committee
Attention: Mr. J. D. Thompson
Secretary

c.c. Mr. L. Sage,
Chief Administrative Officer

cc Mr. K. Avery, Deputy City Clerk
Sgt. Dave Broom, Hamilton-Wentworth Regional Police

CHAPTER 119

An Act respecting the City of Hamilton

Assented to May 8th, 1978

WHEREAS The Corporation of the City of Hamilton, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth;
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "city" means the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth;
- (b) "council" means the council of the Corporation;
- (c) "licensing committee" means the licensing committee established pursuant to section 2.

2.—(1) The council may pass a by-law establishing a Council
 licensing committee for the Corporation to be known as may pass
 "The City of Hamilton Licensing Committee". by-law
 establishing
 licensing
 committee

(2) The licensing committee shall be composed of at least
 three members appointed by council of whom one or more
 members may be members of council. Composi-
tion of
licensing
committee

(3) A majority of members of the licensing committee Quorum
 constitutes a quorum.

(4) The licensing committee shall elect a chairman and the Chairman
 chairman shall have the power to sign any document on
 behalf of the licensing committee.

(5) The members of the licensing committee shall hold Term of
office
 office until the expiration of the term of the council that
 appointed them.

952

Chap. 119

HAMILTON (CITY) (NO. 1)

1978

Idem.

(6) Members of the licensing committee shall hold office until their successors are appointed and be eligible for reappointment, and where a member ceases to be a member before the expiration of his term, the council shall appoint another person for the unexpired term of the person who has ceased to be a member.

Idem

(7) Notwithstanding subsection 6, the council may, at any time, terminate the term of office of a member of the licensing committee.

Remunera-
tion

(8) The Corporation may pay each member of the licensing committee such remuneration as may be determined by council.

Powers of
licensing
committee

3.—(1) The licensing committee shall have the following powers in the place and stead of council:

1. To receive licence applications and fees and issue receipts therefor.
2. To issue and renew licences and approve the transfer of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have been satisfied.
3. To refuse to issue or renew licences or approve transfers of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have not been satisfied.

Additional
powers of
licensing
committee
1971 c. 47

(2) Subject to *The Statutory Powers Procedure Act, 1971*, the licensing committee shall have the following additional powers in the place and stead of council,

- (a) to hear an applicant or licensee who is entitled to a hearing under subsection 3 and to recommend to council whether or not a licence, in respect of which such a hearing has been held, should be issued, renewed, transferred, suspended or revoked, as the case may be, and to attach specified conditions to the suspension;
- (b) to make such decisions, and perform all such acts, matters, deeds and things as may be necessary or incidental to the exercise of its powers.

1978

HAMILTON (CITY) (NO. 1)

Chap. 119

953

(3) An applicant for a licence or a transfer of a licence and every licensee shall have the right to a hearing before the licensing committee where, ^{Right to a hearing}

(a) the licensing committee has refused to issue, renew or transfer the licence, as the case may be;

(b) the licensing committee has suspended or revoked the licence, as the case may be.

(4) Upon the conclusion of a hearing held pursuant to clauses a and b of subsection 2, the licensing committee shall make a recommendation to council. ^{Recommendation to council}

(5) In respect of a licence for which a recommendation has been submitted to council pursuant to subsection 4, after considering the recommendation and without holding a further hearing, council may, ^{Decision of council}

(a) issue, renew, transfer or revoke the licence;

(b) suspend the licence with or without conditions; or

(c) refuse to issue, renew, transfer, suspend or revoke the licence.

4.—(1) By-laws passed by the council licensing trades, callings, businesses or occupations, or the person carrying on or engaged in it, and licensing, regulating or governing places or things under *The Municipal Act* or any special Act of the Corporation, may provide a procedure for the voluntary payment of penalties out of court where it is alleged that any provision of the by-law has been contravened and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies. ^{Voluntary payments of penalties R.S.O. 1970, c. 284}

(2) The council may by by-law determine the amount of the penalties, not exceeding \$1,000, to be paid out of court for each alleged contravention where a person volunteers to make payment out of court under subsection 1. ^{Idem}

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. The short title of this Act is *The City of Hamilton Act*, 1978. ^{Short title}

The Corporation of the City of Hamilton

BY-LAW NO. 78 -224

To Establish:

A LICENSING COMMITTEE

WHEREAS The City of Hamilton Act, 1978 authorized the establishment of a licensing committee to have certain powers in the place and stead of Council;

AND WHEREAS it is intended to establish a licensing committee.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,
 - (a) "city" means the City of Hamilton;
 - (b) "council" means the council of the City;
 - (c) "licensing committee" means the licensing committee established pursuant to section 2.
2. A licensing committee to be known as "The City of Hamilton Licensing Committee" is hereby established.
3. The City of Hamilton Licensing Committee shall be composed of those members mentioned in schedule "A" hereto attached.
4. A majority of members of the licensing committee constitutes a quorum.

5. The licensing committee shall elect a chairman and the chairman shall have the power to sign any document on behalf of the licensing committee.

6. The members of the licensing committee shall hold office until the expiration of the term of the council that appointed them.

7. Members of the licensing committee shall hold office until their successors are appointed and be eligible for re-appointment, and where a member ceases to be a member before the expiration of his term, the council shall appoint another person for the unexpired term of the person who has ceased to be a member.

8. Notwithstanding section 7, the council may, at any time, terminate the term of office of a member of the licensing committee.

9. The licensing committee shall have the following powers in the place and stead of council:

1. To receive licence applications and fees and issue receipts therefor.
2. To issue and renew licences and approve the transfer of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have been satisfied.
3. To refuse to issue or renew licences or approve transfers of licences where in the opinion of the licensing committee the requirements for the issue, renewal or transfer of a licence, as the case may be, have not been satisfied.

10. Subject to The Statutory Powers Procedure Act, 1971, the licensing committee shall have the following additional powers in the place and stead of council:

1. To hear an applicant or licensee who is entitled to a hearing under section 11 and to recommend to council whether or

not a licence, in respect of which such a hearing has been held, should be issued, renewed, transferred, suspended or revoked, as the case may be, and to attach specified conditions to the suspension.

2. To make such decisions, and perform all such acts, matters, deeds and things as may be necessary or incidental to the exercise of its powers.

11. An applicant for a licence or a transfer of a licence and every licensee shall have the right to a hearing before the licensing committee where,

- (a) the licensing committee has refused to issue, renew or transfer the licence, as the case may be;
- (b) the licensing committee has suspended or revoked the licence, as the case may be.

12. Upon the conclusion of a hearing held pursuant to clauses (a) and (b) of section 11, the licensing committee shall make a recommendation to council.

13. In respect of a licence for which a recommendation has been submitted to council pursuant to section 12, after considering the recommendation and without holding a further hearing, council may,

- (a) issue, renew, transfer or revoke the licence;
- (b) suspend the licence with or without conditions; or;
- (c) refuse to issue, renew, transfer, suspend or revoke the licence.

PASSED this 25th day of July

1978.

City Clerk

Mayor

Licensing Code.

79-323

(as amended)

THE CITY OF HAMILTON LICENSING COMMITTEE

RULES OF PROCEDURE ON HEARINGS

THE STATUTORY POWERS PROCEDURE ACT, 1971

PART 1

Parties To A Hearing

1. The parties to the hearing before the City of Hamilton Licensing Committee are,

- (a) an applicant for a licence;
- (b) a licensee;
- (c) the City of Hamilton.

PART 2

Settlement of Dispute

2. Unless the City of Hamilton Licensing Committee otherwise directs, any proceedings may be disposed of by,

- (a) agreement;
- (b) consent order; or
- (c) a decision of the committee given,
 - (i) without a hearing, or
 - (ii) without compliance with any other requirement of the Rules of Procedure,

where the parties have waived such hearing or compliance.

PART 3

Notice of Hearing

3. The parties of the hearing must be given reasonable notice of the hearing. Not less than seven days notice should be given, having regard to the circumstances.
4. The notice should be to the address last known, but every effort should be made to make sure it is the best address possible.
5. The notice of hearing should include,
 - (a) a statement of the time, place and purpose of the hearing;
 - (b) a reference to section 3 of The City of Hamilton Act, 1978 under which authority the hearing is held;
 - (c) a statement that if the party notified does not attend at the hearing, the committee may proceed in his absence and he will not be entitled to any further notice in the proceedings.
6. The notice of hearing may be delivered or sent by registered mail and a statutory declaration of service should be filed with the committee.
7. If a party is given notice of the hearing and does not attend at the hearing, or within one-half hour after it commences, then the committee is entitled to proceed without the party and the party is not entitled to any further notice of the hearing.
8. Where the good character, propriety of conduct or competence of a party is in issue in the proceedings, the party must be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

PART 4

Hearings

9. (1) The hearing must be open to the public, except where the committee is of the opinion that,

- (a) matters involving public security may be disclosed; or
- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the committee may hold the hearing concerning any such matters in camera.

(2) The committee may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing, and, if any person disobeys or fails to comply with any such order or direction, the committee or a member thereof may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take such action as is necessary to enforce the order or direction and may use such force as is reasonably required for that purpose.

10. A party to a hearing must be given an opportunity of being heard and for this purpose he may,

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present his arguments and submissions;
- (c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

11. (1) A witness at a hearing is entitled to be advised by counsel or agent as to his rights but such counsel or agent may take no other part in the hearing without leave of the committee.

(2) Where a hearing is in camera, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

PART 5

Compulsory Attendance of Witnesses

12. (1) The committee may require any person, including a party, by summons,

- (a) to give evidence on oath or affirmation at a hearing; and
- (b) to produce in evidence at a hearing documents and things specified by the committee,

relevant to the subject matter of the proceedings and admissible at a hearing.

(2) A summons issued under subsection 1 shall be in Form 1 prescribed under The Statutory Powers Procedure Act, and

- (a) shall be signed by the chairman of the committee or in such other manner as documents on behalf of the committee may be signed under The City of Hamilton Act, 1978;
- (b) shall be served personally on the person summoned who shall be paid the like fees and allowances for his attendance as a witness before the committee as are paid for the attendance of a witness summoned to attend before the Supreme Court.

(3) Upon proof to the satisfaction of a judge of the Supreme Court of the service of a summons under this section upon a person and that,

- (a) such person has failed to attend or to remain in attendance at a hearing in accordance with the requirements of the summons;
- (b) a sufficient sum for his fees and allowances has been duly paid or tendered to him; and
- (c) his presence is material to the ends of justice,

the judge may, in his warrant in the Form 2 prescribed under The Statutory Powers Procedure Act, directed to any sheriff, police officer or constable, cause such witness to be apprehended anywhere within Ontario and forthwith to be brought before the committee and to be detained in custody as the judge may order until his presence as a witness before the committee is no longer required, or, in the discretion of the judge, to be released on a recognizance, (with or without sureties), conditioned for appearance to give evidence.

(4) Service of a summons and payment of tender of fees or allowance may be proved by affidavit in an application under subsection 3.

(5) Where an application under subsection 3 is made on behalf of a committee, the chairman thereof may certify to the judge the facts relied on to establish that the presence of the person summoned is material to the ends of justice and such certificate may be accepted by the judge as proof of such facts.

(6) Where an application under subsection 3 is made by a party to the proceedings, proof of the facts relied on to establish that the presence of the person summoned is material to the ends of justice may be by affidavit of such party.

13.

Where any person without lawful excuse,

- (a) on being duly summoned under section 12, as a witness at a hearing makes default in attending at the hearing; or
- (b) being in attendance as a witness at a hearing, refuses to take an oath or to make an affirmation legally required by the committee to be taken or made, or to produce any document or thing in his power or control legally required by the committee to be produced by him or to answer any question to which the committee may legally require an answer; or
- (c) does any other thing that would, if the committee had been a court of law having power to commit for contempt, have been in contempt of that court,

the committee may, of its own motion or on application of a party to the proceedings, state a case to the Divisional Court setting out the facts and that court may, on application on behalf of and in the name of the committee or by such party, inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

PART 6

Evidence

14. (1) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or

of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

(2) A witness shall be informed by the committee of his right to object to answer any question under section 5 of The Canada Evidence Act.

15. (1) Subject to subsections 2 and 3, the committee may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject matter of the proceedings and may act on such evidence, but the committee may exclude anything unduly repetitious.

(2) Nothing is admissible in evidence at a hearing,

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by the statute under which the proceedings arise or any other statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

(4) Where a committee is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

(5) Where a document has been filed in evidence at a hearing, the committee may, or the person producing it or entitled to it may with the leave of the committee, cause the document to be photocopied and the committee may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the committee.

AMENDMENT
BY
BY-LAW 83-360
NOV 8/83

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by a member of the committee, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

15 (a) See By-law 83-300 attached

PART 7

Licensing Committee Decisions

16. The committee may, in making its decision in any proceedings,

- (a) take notice of facts that may be judicially noticed; and
- (b) take notice of any generally recognized scientific or technical facts, information, or opinions within its scientific or specialized knowledge.

17. (1) Upon hearing an appeal, the committee may retire and consider the issues and evidence and may deliver an oral decision or reserve its decision.

(2) The committee shall give its final decision and order, if any, in any proceedings in writing and shall give reasons in writing therefor to all parties.

18. The decision should be clear and unambiguous, devoid of matters except those dealing with the subject of the appeal. It should name members of the committee present, the secretary and all other persons taking part in the appeal, setting out their capacity.

19. The committee should refrain from irrelevant comment and conversation not bearing upon the matter being considered. It should confine its remarks and conversation or discussion to the issues before it.

20. Upon conclusion of the hearing conducted by the committee, the committee shall as soon as practicable make a recommendation to council including a brief report setting out the reasons for,

- (a) refusing to issue or renew or approve a transfer of the licence;
- (b) suspending or revoking a licence.

21. The committee shall send by first class mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the committee, a copy of its recommendation, if any, in the hearing, together with the reasons therefor, and each party shall be deemed to have received a copy of the recommendation on the fifth day after the day of mailing unless the party did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the copy of the recommendation until a later date.

PART 8

General

22. (1) The committee shall compile a record of any proceedings in which a hearing has been held which shall include,

- (a) any application, complaint, reference or other document, if any, by which the proceedings were commenced;
- (b) the notice of any hearing;
- (c) any intermediate orders made by the committee;
- (d) all documentary evidence filed with the committee subject to any limitation expressly imposed by any other Act or the extent to or the purposes for which any such documents may be used in evidence in any proceedings;
- (e) the transcript, if any, of the oral evidence given at the hearing; and
- (f) the decision and recommendation of the committee and the reasons therefor, where reasons have been given.

(2) If a party wishes the proceedings of the committee to be taken down in shorthand and recorded by a stenographer or court reporter, he shall make arrangements therefor and notify the secretary of the committee of such arrangements.

23. (1) A hearing may be adjourned from time to time by a committee of its own motion or where it is shown to the satisfaction of the committee that the adjournment is required to permit an adequate hearing to be held.

(2) Where a hearing is adjourned, the parties must be given full and proper notice of the adjournment time, place and purpose of the hearing, either orally where the party is present or his counsel, or agent, or by registered mail.

24. A member of a committee has power to administer oaths and affirmations for the purpose of any of its proceedings and the committee may require evidence before it is to be given under oath or affirmation.

25. (1) The committee may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

(2) The committee may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination of the witness has been sufficient to disclose fully and fairly the facts in relation to which he has given evidence.

(3) The committee may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party or as an advisor to a witness if it finds that such person is not competent properly to represent or to advise the party or witness or does not understand and comply at the hearing with the duties and responsibilities of an advocate or advisor.

26. (1) Where the committee is of the opinion that because the parties to any proceedings before it are so numerous or for any other reason, it is impracticable,

(a) to give notice of the hearing; or

(b) to send its recommendation and the material mentioned in section 21,

to all or any of the parties individually, the committee may, instead of doing so, cause reasonable notice of the hearing or of its recommendation to be given to such parties by public advertisement or otherwise as the committee may direct.

(2) A notice of a recommendation given by the committee under clause (b) of subsection 1 shall inform the parties of the place where copies of the recommendation and the reasons therefor, if reasons were given, may be obtained.

Rev. 22/2/79

The Corporation of the City of Hamilton

BY-LAW NO. 83-300

To Amend:

Licensing By-law No. 79-323

Respecting:

HEARINGS BEFORE THE LICENCE COMMITTEE

WHEREAS subsections 3, 4 and 5 of section 3 of The City of Hamilton Act, 1978 provide that an applicant for a licence has a right to a hearing before the Licence Committee and the Council of the City is required to make a decision, without holding a further hearing, on the recommendation of the Licence Committee to City Council;

AND WHEREAS it is intended that at least twelve months elapse between the decision of the Council and any rehearing or further hearing in respect of a licence.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 79-323, passed on the 27th day of November, 1979, is amended by adding thereto the following section:

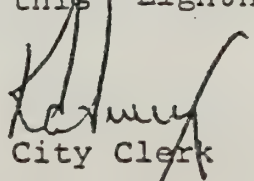
15a. Where a hearing has been held and the Licence Committee has,

(a) refused to issue, renew or
or transfer a licence;

(b) suspended or revoked a licence,

and City Council has made a decision in respect of a recommendation of the committee, any rehearing or further hearing by the committee in respect of the licence shall be held not less than twelve months from the date of a decision by City Council.

PASSED this Eighth day of November A.D. 1983.


Deputy City Clerk


Mayor

4. (A)

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 November 28

COMM FILE:

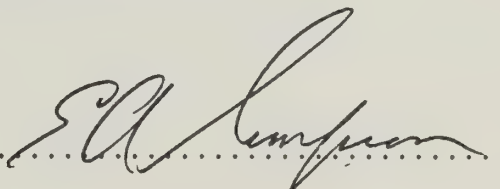
DEPT FILE:

SUBJECT:

Use of Council Chambers.

RECOMMENDATION:

- (a) That permission be granted to the Jewish Community Centre, Hamilton-Wentworth and Area to use the City Hall Council Chambers for the annual Max Rotman Humanitarian Awards Ceremony on Sunday, 1988 April 9 at 8:00 o'clock p.m.
- (b) That staff overtime for a Property Maintenance worker to be available for arrangements associated with this event be approved and charged to Account No. 0321-0760 - Use of City Hall Facilities and Equipment By Outside Groups.

..........

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approximately \$70 Funding Available.

BACKGROUND:

4. (b)

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

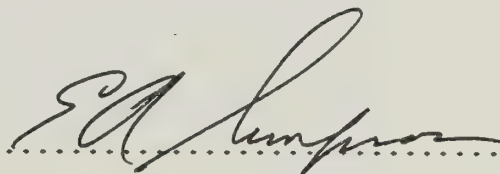
DATE: 1988 November 28
COMM FILE:
DEPT FILE:

SUBJECT:

Use of Council Chambers for Chanukah Celebrations.

RECOMMENDATION:

That permission be granted to the Jewish Community Centre, Hamilton-Wentworth and Area to place their Chanukah Menorah on the balcony outside the Council Chambers from December 1 to December 12 1988 and to use the City Hall Council Chambers on Wednesday, 1988 December 7 from 3:45 p.m. to 5:00 p.m. for the Chanukah Celebrations.


.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Nominal charge for coffee and juice for approximately 70 persons. Funding available in Account No. 0373-1002-Receptions City Hall.

BACKGROUND:

NOV 24 1988

FOR ACTION

4. (c)

REPORT TO: Mr. J. Thompson, Secretary
Legislation Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1988 November 24
COMM FILE:
DEPT FILE: 226-0001

SUBJECT: Use of Council Chambers and Second Floor
Foyer for 1989 Heritage Week

RECOMMENDATION:

- a) That approval be given for the use of City Council Chambers on Monday, 1989 February 20 from 11:30 o'clock a.m. to approximately 1:30 o'clock p.m. for the purpose of conducting a proclamation ceremony for Heritage Week to be held from 1989 February 20 to 1989 February 26.
- b) That approval be given for the use of City Hall's second floor foyer from Friday, 1989 February 17 to 1989 February 24 for the purpose of displaying heritage exhibits for 1989 Heritage Week.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Heritage Week will be celebrated across Ontario from 1989 February 20 to 1989 February 26.

Heritage Week is a time to celebrate our heritage, both personally and collectively, to promote public awareness and participation, and to acknowledge all those involved in heritage activities.

The prime objective of Heritage Week is to increase appreciation for Ontario's multifaceted heritage and is accomplished largely through celebrations organized by local groups such as municipalities, historical and heritage associations, museums, libraries and schools.

Various historical societies, museums and area Local Architectural Conservation Advisory Committees have been invited to participate and set up a display for Heritage Week.

4. (d)

FOR ACTION

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1988 November 28

COMM FILE:

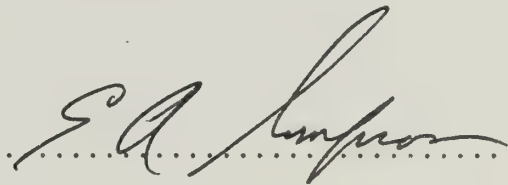
DEPT FILE:

SUBJECT:

Use of City Hall Forecourt.

RECOMMENDATION:

That permission be granted to the Ontario Lottery Corporation to use the City Hall forecourt for the purpose of holding a Balloon Launch/Press Conference on Monday, 1989 January 16 at 12:00 o'clock noon.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

5.

REPORT TO: Legislation Committee

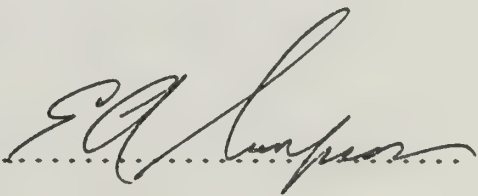
FROM: E. A. Simpson
City Clerk

DATE: 1988 November 28
COMM FILE:
DEPT FILE:

SUBJECT: Request for Advertising Sponsor.

RECOMMENDATION:

That the Legislation Committee give consideration to the request of the Commemorative Book Committee of the Temple Anshe Sholom to sponsor a full, half or quarter page in a special commemorative book in honour of Rabbi Bernard Baskin who will be retiring in September 1989.

..........

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Full Page \$600
Half Page \$350
Quarter Page \$200

BACKGROUND:

Attached is a copy of a letter from Mr. Sid Bell of the Commemorative Book Committee.

RABBI OF THE CONGREGATION
Bernard Baskin, D.D., LL.D.
CANTOR EMERITUS
Henry Theilheimer
EDUCATOR
Julian Craft



215 CLINE AVENUE NORTH
HAMILTON, ONTARIO
L8S 4A1

TELEPHONE 528-0100
RELIGIOUS SCHOOL 571-194

Temple Anshe Sholom

NOV 18 1988
NOV 18 1988

November 17th 1988

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Michael Sieger

1st Vice-President
Carl Loewith

2nd Vice-President
Dr. Richard Levy

Treasurer
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Hon. Board Member
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John Ross

SOLICITOR

Thomas Weisz

AUDITOR

Louis Levy

Mr. John Thompson
City Clerk
City Hall
71 Main Street West
Hamilton, L8N 3T4

Dear Mr. Thompson,

After 40 years of dedicated service to Temple Anshe Sholom and the greater Hamilton community, Rabbi Bernard Baskin will be retiring in September 1989.

It is altogether fitting and proper that we show him our heartfelt appreciation.

We plan to honour him at a gala tribute dinner on Sunday evening, April 30th, 1989. At that time he will be presented with a fitting gift from his many friends. Funds are now being raised through the publication of a retrospective picture album.

The professionally edited book will contain about 50 high gloss pages, packed full of nostalgic picture and anecdotes. The clear margin will indicate the name page sponsor. Advertising rates are as follows:

Full Page	\$600
Half Page	\$350
Quarter Page	\$200

We would appreciate your support and respectfully request that you place this matter before your executive. It would be splendid if a full page of recognition would be forthcoming.

With kind regards,

Sid Bell

SID BELL
Commemorative Book Committee

SB:im

Sub-joined for the Committee's information is the current policy for advertising, adopted by City Council 1987 February 12.

That the current practice of considering each request for special City advertising in publications, on its own merits, be continued subject to the following guidelines:

That, requests for special City advertising be approved if:

- (a) the applicant organizations activities are of benefit to the community and of a charitable nature and the request is for the City of Hamilton to extend congratulations to the Organization.
- (b) the applicant Organization is hosting a conference or convention in the City of Hamilton and the request is for the City of Hamilton to extend a welcome to the delegates.
- (c) a similar request has not been approved by the Regional Municipality of Hamilton-Wentworth or any other civic authority.

Attachment

6.

Corporation of the City of
Memorandum

TO: Mr. J. D. Thompson
Secretary, Legislation Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
Secretary, Executive Committee

OUR FILE:

PHONE: 526-2728

SUBJECT: Hamilton Spectator Indoor Games

DATE: 1988 November 8

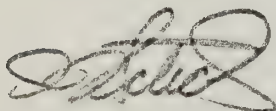
Please be advised that at its meeting on Thursday, November 3, 1988, the Executive Committee received a delegation from the 91st Highlander Athletic Association who requested the following assistance in connection with the Indoor Games scheduled for Copps Coliseum:

- a) hosting of a civic reception for participants - estimated cost \$6 000;
- b) guarantee to underwrite losses of up to \$18 000, if incurred, for 1989 games;
- c) waiving of the \$3 500 rental fee for use of Copps Coliseum by the area high schools on Thursday evening prior to the games;
- d) the purchase and storage of the indoor track.

For your information, the request regarding the guarantee and waiving of rental fees has been referred to HECFI, and the request regarding the purchase and storage of the indoor track has been referred to the Parks and Recreation Committee.

The request for the hosting of a civic reception for participants at an estimated cost of \$6 000 is being referred to your Committee for its consideration and disposition.

Would you please undertake to have this considered by your Committee.



JJS/bc

c.c.: Mr. K. Beattie, Treasury Department

Mr. J. Simpson, Vice-President, 91st Highlander Athletic Association

FOR ACTION

7.

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

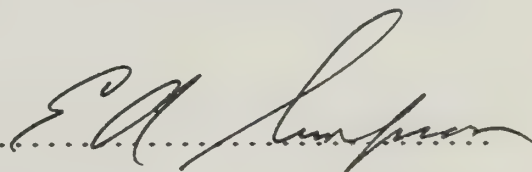
DATE: 1988 November 29
COMM FILE:
DEPT FILE:

SUBJECT:

Hamilton Licencing By-law No. 87-234 Respecting Flea Markets.

RECOMMENDATION:

That Sections 7 and 9 of By-law No. 87-234, To Amend
Licencing By-law No. 79-323 Respecting Flea Markets, be
repealed.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Attached is a copy of a memorandum from the Secretary of the
Planning and Development Committee dated 1988 November 14 to which
is attached an agenda and accompanying documents dealing with the
legal questionability of a distance requirement included in
Licencing By-law No. 87-234 which were presented to a special
meeting of the Planning and Development Committee on 1988
November 02.

In light of the fact that Section 7 regulating parking and Section 9 requiring a distance separation of flea markets from residentially zoned districts are unauthorized by the special enabling legislation, The City of Hamilton Act, 1987, they are unenforceable and should be repealed.

The Planning and Development Committee have directed the Local Director of Planning to expedite a study on Flea Markets with the view to amending the zoning by-law to regulate parking and locations permitted for flea markets.

Attachments

Corporation of the City of Hamilton

Memorandum

NOV 14 1988

TO: Mr. J. Thompson, Secretary
Legislative Committee

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE: 526-2753

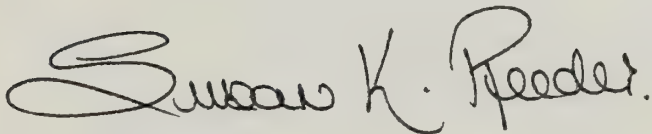
SUBJECT: Hamilton Licencing By-Law 87-234
respecting Flea Markets.

DATE: 1988 November 14

Please be advised that the Planning and Development Committee at a Special Meeting held Wednesday, 1988 November 2 discussed the above-noted matter with respect to the questionability of a distance requirement included in the Licencing By-law 87-234 with respect to Flea Markets.

Following a considerable amount of discussion on this matter it was agreed that all matters with respect to the licencing aspect of this item be referred to the Legislation Committee for appropriate action.

I am forwarding herewith a copy of the agenda and accompanying documents which were presented to the Planning and Development Committee on this matter as well as a newspaper article on this issue which I trust are of assistance to you in placing this matter before the Legislation Committee for deliberation.



SKR:dbm

Encl's.

c.c.'s. - Alderman V. Agro, Chairman
Licencing Committee
- Alderman J. Smith, Chairman
Planning and Development Committee
- Mr. V. Abraham, Director of Local Planning
- Alderman D. Christopherson



E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
LSN 3T4

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

1988 October 27

NOTICE OF SPECIAL MEETING

Planning and Development Committee
Wednesday, 1988 November 2
9:30 o'clock p.m.
Room 233. City Hall

Susan K. Reeder
Secretary

SKR:dbm

A G E N D A

1. Hamilton Licencing By-law 87-234 Respecting Flea Markets.



Corporation of the City of Hamilton

Memorandum

1.

TO: Mr. V. Abraham
Director of Local Planning

YOUR FILE:

FROM: Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE: 526-2753

SUBJECT: Study - Flea Markets

DATE: 1988 October 27

As you are aware the Planning and Development Committee at its meeting held Wednesday, 1988 October 26 met IN CAMERA to discuss an issue with respect to Flea Markets and Distance Requirements.

Following the In Camera Session, the meeting was then opened and the Director of Local Planning was directed to expedite the Study on Flea Markets as quickly as possible.

Attached herewith for your reference is a copy of the correspondence and reports which were distributed at that meeting.

As you are aware, the Special Meeting of the Planning and Development Committee will be held Wednesday, 1988 November 2, 9:30 a.m., Room 233 to more fully discuss this issue.

I trust the above confirmation of the Committee's directive with respect to completing this study as quickly as possible is of assistance to you.

Susan K. Reeder.

SKR:dbm

Attch.

- c.c.'s. - Alderman J. Smith, Chairman
Planning and Development Committee
- Alderman W. McCulloch, Acting Chairman
Planning and Development Committee
- Alderman D. Christopherson
- Mr. L. Sage, Chief Administrative Officer
- Mr. K. A. Rouff, City Solicitor
Attention: Mr. P. Hooker
- Mr. S. Dembe, Manager of Licencing Division

Corporation of the City of Hamilton
Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: Mr. J. Thompson, Secretary
Legislation Committee

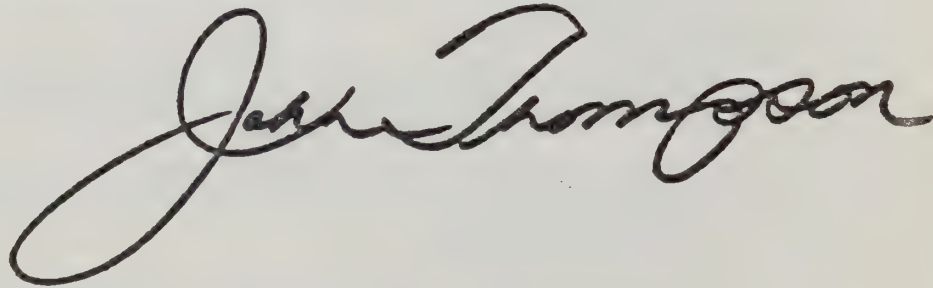
OUR FILE:
PHONE: 526-2729

SUBJECT: DALLAS/LEISURE PLACE - FLEA MARKET

DATE: 1988 September 16

I wish to correct an inadvertent reference in my covering memorandum regarding the request to establish a flea market at 1911 Barton Street East.

Please disregard the last paragraph of my memorandum as it has been brought to my attention by the City Solicitor's Office that a by-law cannot be passed to grant an exemption from the requirements of Section 9 of the Flea Market By-law regarding distance separation for a specific property.



JT:mjw

c.c. Mr. L. Sage
Chief Administrative Officer

Mr. K. E. Avery
Deputy City Clerk

Mr. P. R. A. Hooker
City Solicitor's Office

Mr. S. J. Dembe, Manager
Licencing Division

Corporation of the City of Hamilton
Memorandum

TO: Legislation Committee

YOUR FILE: .

FROM: John Thompson, Secretary
 Legislation Committee

OUR FILE:
PHONE: 526-2729

SUBJECT: DALLAS/LEISURE PLACE - FLEA MARKET

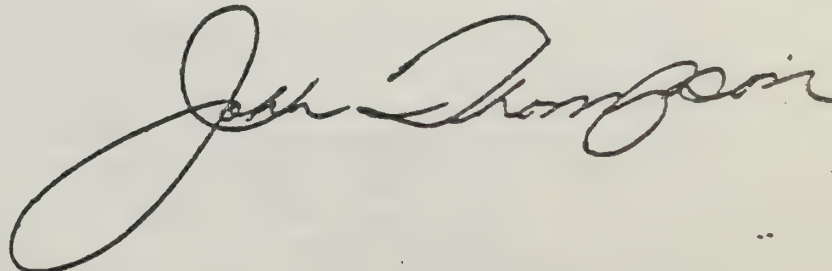
DATE: 1988 September 14

Attached is a copy of a letter from Ms. Arlene MacDonald, Manager, Dallas/Leisure Place, 1911 Barton Street East requesting permission to establish a flea market at the subject property.

For the information of the members of the Legislation Committee, City of Hamilton Licencing By-law 87-234 Respecting Flea Markets stipulates that "no flea market shall be located within a radial separation distance of 500 m (1 640 feet) from a residentially zoned district".

As you can see from the attached neighbourhood plan, the applicant's property is situated on a major arterial road surrounded by commercial and industrial uses but is located only approximately 330 feet from the nearest residential district.

Approval of this request would require an exemption from the provisions of Section 9 of Flea Market By-law 87-234 regarding separation distance for the purpose of establishing a flea market and the passage of an appropriate by-law.



JT:mjw

Attachment



CITY COUNCIL
HAMILTON, CANADA

Alderman David Christopherson

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 561-9508 — WARD 4

MEMO TO: Mr. Phil Hooker
Solicitor
City of Hamilton

FROM: Alderman David Christopherson

DATE: September 28, 1988

RE: HAMILTON FLEA MARKET BY-LAW

Would you please advise me as to your opinion of the legality regarding the distance separation contained in the Flea Market By-law

I understand that the "Adult Entertainment Parlours" have been ruled by the courts to be legal as to defining location, but that it is still considered illegal for location and distance separations to be contained in Licencing By-laws.

Since your opinion on this matter may directly affect a proposal by a constituent of mine, I would very much appreciate a prompt response.

Thank you for your attention to this matter.

DC:nb

c.c. - Ms. Arlene MacDonald
c/o Leisure Place - Dallas
1911 Barton Street East
Hamilton, Ont.
L8H 2Y6

MEMORANDUM • CITY OF HAMILTON

OCT - 6 1988

TO : Alderman D. Christopherson
Hamilton City Hall

YOUR FILE:

FROM : K. A. Rouff
City Solicitor

OUR FILE : 40-93.7.2(7.21)
1988 Legislation
Committee File

SUBJECT : Hamilton Flea Market By-law
Leisure Place - Dallas
1911 Barton Street East

DATE : October 5, 1988

With respect to your inquiry of September 28, 1988 on the above matter, I wish to advise as follows:

A review of the by-law in question (87-234), the enabling legislation, being The City of Hamilton Act, 1987, and our file lead me to the opinion that section 9 of the by-law which purports to require a distance separation of flea markets from residentially zoned districts is legally questionable.

The section reads as follows:

"9. (1) No flea market shall be located within a radial separation distance of 500 m (1,640 feet) from a residentially zoned district.

(2) No owner shall permit a stand to be situate within a radial separation distance of 500 m (1,640 feet) from a residentially zoned district."

The enabling Act upon which the by-law is based empowers the City to

"...pass by-laws

(a) for licensing, regulating, governing and inspecting
flea markets or any class of them."

Our file discloses that we were unsuccessful when we originally sought to have the enabling legislation empower the City to define areas of the municipality where flea markets may or may not operate, as the Ministry of Municipal Affairs felt that such provisions would be a combination of licensing and zoning regulation which latter should be handled under The Planning Act, 1983.

My best recollection is that Alderman Valeriano was most anxious to have the original power we sought for determining flea market locations, and so the questionable section was reluctantly included in the by-law.

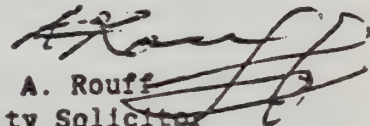
Your other concern, respecting the adult entertainment parlours by-law, was that it does permit the City to define the location of adult entertainment parlours. Such a by-law governing locations of adult entertainment parlours

was upheld in the courts because it is expressly provided for in the enabling legislation.

The relevant section of the Municipal Act is section 222(3), which reads:

"222(3) Notwithstanding subsection 110(7), a by-law passed under this section may define the area or areas of the municipality in which adult entertainment parlours or any class or classes thereof may or may not operate and may limit the number of licences to be granted in respect of adult entertainment parlours or any classes thereof in any such area or areas in which they are permitted."

I trust the above will be of some assistance. If you need any further information in this matter, please contact either Phil Hooker or myself.


K. A. Rouff
City Solicitor

KAR:cls

c.c. Mr. P. Hooker

3
OCT 25 1988

MEMORANDUM • CITY OF HAMILTON

TO : Mr. S. J. Dembe
Manager of Licensing

YOUR FILE:

FROM : Philip R. A. Hooker
City Solicitor's Office

OUR FILE : 40-93.7.2
S.F.7.21

SUBJECT : By-law No. 87-234 To Amend
Licensing By-law 79-323
Respecting Flea Markets

DATE : October 21, 1988

This is to confirm our meeting of October 18, 1988 in Mr. J. Zipay's office in the Planning Department.

I enclose for your reference a copy of Mr. K. A. Rouff's letter of October 5, 1988 to Ald. D. Christopherson setting out the problem that exists with the purported locational restriction on flea markets contained in section 9 of By-law 87-234 which forms schedule 42 to general Licensing By-law 79-323, as amended.

As section 9 is unauthorized by the special enabling legislation, The City of Hamilton Act, 1987, it is unenforceable and should be repealed. That would need directives from the Licensing and Legislation Committees. It can be repealed without affecting the rest of the by-law in my opinion.

You advised Mr. Zipay, Ms. L. Lawrence and me that pending licence applicant, Arlene MacDonald, (a constituent of Ald. D. Christopherson) has had her solicitor look at section 9 and she advised you that in his opinion it was invalid.

You also advised that, apart from sec. 9, her premises will shortly be in compliance with all existing municipal, by-law requirements. When it is, and if you are totally satisfied that she has complied with all enforceable conditions and regulations, you will be obliged to issue her the City licence without delay. You would also, routinely, advise the Licensing Committee of that issuance action. As you are aware, once a licence applicant complies with all required conditions of obtaining a licence, he or she is entitled in law to receive the licence without undue delay, since the licence is necessary to the legal operation of the business to be regulated.

I understand there may be another pending or contemplated flea market licence application.

In regard to switching the distance separation requirement out of the licensing by-law, into the general zoning by-law--where it would be appropriate and enforceable as a proper land use control device--Mr. Zipay advised, and I concur, that, before that could be done:

1. There would have to be a directive from the Planning and Development Committee, based on a Planning Department report, to amend the zoning by-law to regulate locations permitted for flea markets;
2. As any such by-law amendment would have to be publicly advertised and discussed before it is enacted by Council, and after that, it would be subject to possible objection (on planning or traffic grounds) by anyone, that objection leading to an appeal hearing by the Ontario Municipal Board, pursuant to section 34 of The Planning Act, especially 34 (18), it will be essential to have a planning study done in order to properly defend the proposed by-law zoning flea markets at the Board hearing. For instance, a planning study was done regarding outdoor restaurant patios abutting residential areas and was critical to the success of the City an O.M.B. hearing in July, 1988.
3. Unfortunately, Mr. Zipay advises that the required planning study would take a minimum of 2-3 months and his department presently has no staff available for that purpose.

I conclude from the above that, based on the various statutory, legal and procedural constraints and time factors prevailing, the City will be unable to avoid for much longer discussing this matter, publicly.

To restrict the location of flea markets in the future will take time to achieve.

Philip R.A. Hooker
Philip R. A. Hooker
for K. A. Rouff
City Solicitor

PRAH:cls
Encl.

✓ c.c. Ald. D. Christopherson

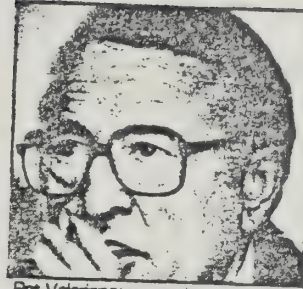
c.c. Mr. V. Abraham
Director of Local Planning
Attn: Mr. J. Zipay, Director
Development & Urban Design (Encl.)

c.c. Ms. Lian Lawrence, Solicitor
(Encl.)

Public shut out in uproar over flea market sites

By ERIC McGUINNESS
The Spectator

1988 November 3



Pat Valeriano: warned

HAMILTON ALDERMEN closed the doors on a stormy meeting yesterday as they tried to find out why the city has been left powerless to prevent flea markets from opening close to residential areas.

Before closing the special meeting, members of the planning and development committee spent nearly an hour grilling City Solicitor Ken Rouff and a former member of his staff, Paul Eker.

They wanted to know why they weren't warned of possible flaws in a licensing bylaw passed on an emergency basis to stop a flea market from opening at Lincoln and Barton streets in Ward 3 last year.

Mr. Rouff now says the bylaw is unenforceable and, as a result, a flea market at Dallas/Leisure Place on Barton near Parkdale Avenue has been licensed, even though it's less than the required 500 metres (1,640 feet) from a residential zone. He said the city can't enforce the distance rule until it's put in a zoning bylaw instead of a licensing bylaw.

After shutting the doors for 35 minutes, the committee directed the planning department to move as quickly as possible on a zoning bylaw to protect residential areas from flea markets and the Sunday traffic they attract.

Several committee members seemed especially intent yesterday on learning whether anyone other than Ward 3 Alderman Pat Valeriano, the licensing committee chairman, had been warned last year the distance rule might be on shaky legal ground.

In an Oct. 5 memo, Mr. Rouff wrote: "My best recollection is that Alderman Valeriano was most anxious to have the original power we sought for determining flea-market locations, and so the questionable section was reluctantly included in the bylaw."

Mr. Eker, now in private practice, said he couldn't remember everything that happened when he drafted the law last year and couldn't locate a memo recording what was said when he met Mr. Valeriano and licensing manager Steve Dembe.

He said he had pointed out there was some risk putting the distance rule in a licensing bylaw, but felt at the time there "was merit in including provisions of this sort under the concept of licensing."

"Under no circumstances did Alderman Valeriano apply any pressure whatsoever or act improperly as far as I was concerned," said Mr. Eker.

Mr. Valeriano, a candidate for regional chairman, is embroiled in controversy over taxi licensing and Alderman Henry Merling objected to public discussion of Mr. Valeriano's role in the flea-market issue without the Ward 3 alderman being present.

Lou Sage, the city's chief administrative officer, noted the bylaw was surrounded by a sense of urgency — drafted and passed unanimously at a special meeting the same day, and problems can be expected "whenever you rush something."

Mr. Valeriano later told The Spectator he thought the 1987 law would work as council intended and could remember no warning about the distance rule. He said he was also surprised Mr. Rouff had recommended issuing the Dallas licence without a court test of the bylaw.

NOV - 9 1988

FOR ACTION

8.

REPORT TO: Mr. J. Thompson, Secretary
Legislation Committee

FROM: Miss C. Coutts, Secretary
Canadian Football Hall of Fame and
Museum Management Committee

DATE: 1988 November 8
COMM FILE:
DEPT FILE: 226-0001

SUBJECT: INSTALLATION OF CANADIAN FOOTBALL HALL
OF FAME AND MUSEUM SIGN

RECOMMENDATION:

- a) That approval be granted to the Canadian Football Hall of Fame and Museum to work with Jones Neon to install a permanent Canadian Football Hall of Fame and Museum sign on the South East corner of City Hall property.
- b) That the sign be five feet in height and eight feet in length and that it be a double-faced pylon sign on granite/marble with five inch black lettering.

C. Coutts

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The total cost of this project will be approximately \$7,500 with all costs being assumed by the Hamilton Mountain Rotary Club.

BACKGROUND:

City Council at its meeting held 1987 June 23 gave approval to the Canadian Football Hall of Fame and Museum to work with the Mountain Rotary Club with respect to the installation of a sign and a "Walk of Fame" leading from Main Street to the Hall of Fame.

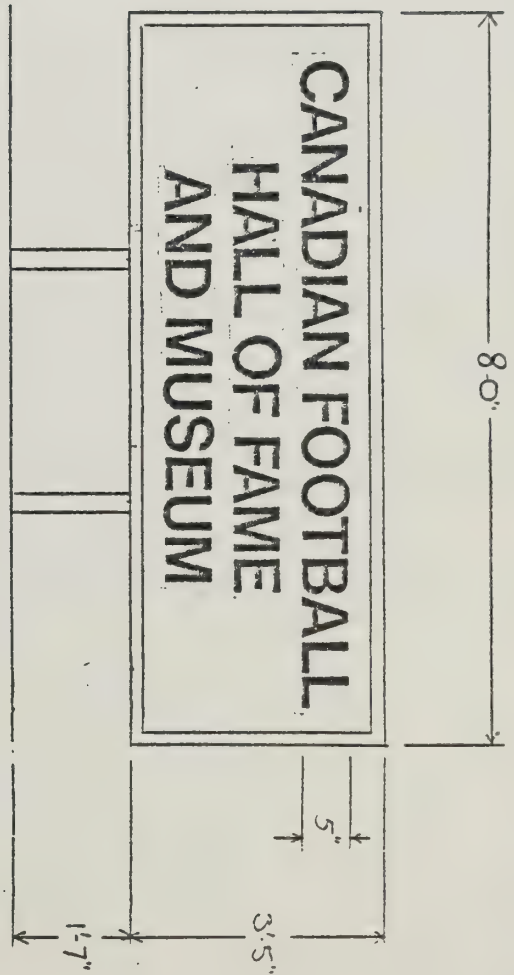
In recent discussions with the Mountain Rotary Club, they are willing to assume the costs of the Canadian Football Hall of Fame and Museum sign only.

In working with Jones Neon, attached as Appendix A is a detailed drawing of the proposed sign.

The Executive Committee at its meeting held 1987 May 21 endorsed the proposal for the Canadian Football Hall of Fame and Museum to work with the Mountain Rotary Club respecting the installation of a sign but on the condition that the proposed sign not exceed two feet in height and five feet in length and that it be of a granite or marble substance so as to blend in with the City Hall grounds.


The Canadian Football Hall of Fame and Museum feels that the sign would be more visible if it was five feet in height and eight feet in length rather than the smaller size that was originally recommended by the Executive Committee on 1987 May 21.

APPENDIX A



APPROVED BY	

DATE	

 Claude Neorn	DESIGN NO. 87-1677	CLIENT CANADIAN FOOTBALL HALL OF FAME	DESIGNER J.H.	JOB NO.
	SCALE	LOCATION 58 JACKSON ST. W. HAMILTON, ONT.	SALES REP. ROWLES	
DATE MAY 27/87		APPROVED BY		



9.

CITY COUNCIL
HAMILTON, CANADA

Alderman Tom Murray

71 MAIN STREET WEST L8N 3T4 • (416) 526-2733 • RES. (416) 387-9243 — WARD 8

NOV 21 1988

Corporation of the City of Hamilton
Memorandum

TO: Mr. John Thompson
Legislative Assistant I

YOUR FILE:

FROM: Alderman T. Murray
Alderman, Ward 8

OUR FILE:
PHONE: 526-2730

SUBJECT: Legislation Committee Agenda

DATE: 1988 November 21

I have enclosed a copy of a petition I received from residents concerned with the noise from patrons of the Harvard Square Plaza.

I would very much appreciate this item being placed on the agenda for the next Legislation Committee meeting.

Please advise when this matter will be placed on the agenda. Should you have any questions, please don't hesitate to call.

/cb
Encl.

cc: Petitioners

→ T. Murray



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

November 25, 1988

Refer to File No.

P5-2-46

Attention of

Your File No.

NOV 29 1988

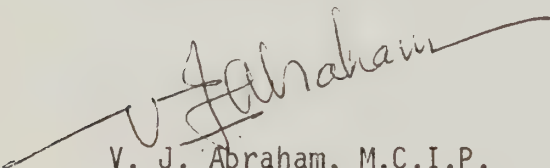
Mr. J. Thompson, Secretary
Legislation Committee
Hamilton City Hall

Dear Mr. Thompson:

Re: Petition regarding Harvard Square Plaza
Fessenden Neighbourhood

Thank you for your letter dated November 22, 1988. The issue of time control through zoning by-laws was discussed in 1979, when the City submitted its brief on the White Paper on the Planning Act. At that time, the Department and the City supported the inclusion of this control. However, the control was not added to the revised Planning Act.

Yours truly,


V. J. Abraham, M.C.I.P.
Director of Local Planning

da
DE:CS
0056P

cc - P. Hooker

MEMORANDUM • CITY OF HAMILTON

NOV 23 1988

TO : Mr. John Thompson, Secretary
Legislation Committee

YOUR FILE :

FROM : S. J. Dembe, Manager
Licence Division

OUR FILE :

SUBJECT : Petition Regarding Harvard
Square Plaza

DATE : 1988 November 23

At present there are no regulations governing hours of operation of either variety stores or restaurants. The City does have the authority to regulate hours of operation, however, they would have to be uniformly applied to all restaurants and variety stores.

In certain instances where there have been problems, the Licence Committee has requested voluntary closure of certain facilities. This has met with some success on the two or three occasions when there was a problem with nearby residents complaining about excessive noise in the vicinity of a restaurant.

It may be advisable to contact the Noise Control Officer, Mr. Frank Westaway, to establish that there is a contravention of the Noise By-law. Should there be By-law infractions, then the Licence Committee would be in a position of inviting the licence holder to a meeting to request co-operation including possible voluntary closure.



SJD/hm

103
Total signatories

PETITION FOR THE CLOSING OF THE MCDONALD'S RESTAURANT
AND MAC'S MILK VARIETY STORE AT THE HARVARD SQUARE MALL
FROM 11:00 P.M. TO 6:00 A.M., NIGHTLY

IN AS MUCH AS MAC'S MILK VARIETY STORE AND THE DRIVE-THRU AT MCDONALD'S
RESTAURANT AT HARVARD SQUARE, ON MOHAWK ROAD WEST, ARE OPEN ALL NIGHT,
THEY ACT AS A FOCAL POINT FOR THE GATHERING OF PEOPLE DISPLAYING
UNDESIRABLE BEHAVIOUR. FOR EXAMPLE:

- (A) GROUPS OF NOISY YOUNG PEOPLE WHO LINGER IN THE PARKING LOT
- (B) NOISY MOTORCYCLES CRUISING THAT AREA
- (C) HORN BLOWING MOTORISTS WHO OFTEN SQUEAL THEIR TIRES

THIS RESULTS IN VANDALISM, LITTER AND THE DISRUPTION OF PEOPLES LIVES IN
THIS RESIDENTIAL AREA. WE THE AFORESIGNED RESIDENTS OF THIS LOCAL AREA

SUGGEST A CLOSING TIME OF 11:00 P.M. TO 6:00 A.M.:

NAME (21)	APARTMENT #	ADDRESS
Inez McGreadie	706	55 Wendover Dr.
Robert McGreadie	706	" "
Wendell J. Carley	402	55 Wendover Dr.
Dorothy Carley	"	"
John Carley	1102	55 Wendover Dr.
Jessie Carley		55 "
Sharon Davison	705	"
Peter J. Duman	705	55 KLENDOWER DR.
M. Barty & John	703	55 KLENDOWER #703
Hester Broatch	702	55 Wendover Dr.
Ed & Betty Broatch		
Steen Shvedyke	704	55 Wendover Dr.
Steve Shvedyke		704.
Deanne Sporn	1104	55 Wendover Dr.
John Sporn		1104
Mary Stacey	102	55 Wendover Dr.
Margaret Rothery	908	"
J. Mitchell	203	" " "
J. Mitchell	203	" " "
J. Elsie	308	" " "

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[illegible]

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SUGGEST A CLOSING TIME OF 11:00 P.M. TO 6:00 A.M.,

NAME	APARTMENT #	ADDRESS
Norm Tucker	404 ✓	55 Wendover Dr
Indie Lindy	701 ✓	same
Viola Casey	403 ✓	55 Wendover Dr.
Debbie Bell	405 ✓	55 Wendover Dr.
Kary Polity	1501 ✓	55 Wendover Dr.
Lynn + John Delangen	1406 ✓	55 Wendover
Shirley Shorsmick	806 ✓	55 WENDOVER?
Lillian Stenard	1105 ✓	55 Wendover
R.A. & Frances Matthews	807 ✓	55 Wendover
ROBERT Donnell	1505 ✓	55 WENDOVER.
John E. & [unclear]	1104 ✓	55 WENDOVER.
PTM Paul	408 ✓	55 WENDOVER
Jean White	703 ✓	55 Wendover Dr.
Ch. [unclear]	204 ✓	55 Wendover

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SUGGEST A CLOSING TIME OF 11:00 P.M. TO 6:00 A.M.,

NAME (16)	APARTMENT #	ADDRESS
Rorance Redburn	906 ✓	55 Wendover Dr.
Elaine Macmillan	1204 ✓	55 Wendover Dr.
Elie Connolly	604 ✓	55 Wendover Dr.
C. Burns	907 ✓	55 Wendover Dr.
E. Leznick	205 ✓	55 Wendover Dr.
M. Snow	1502 ✓	55 Wendover Dr.
Jack H. Miller	804 ✓	"
Blk Cowell	1001 ✓	55 WENDOVER DR.
L. Rathburn	106 ✓	55 Wendover Dr.
Amy + Michael Gordon	305 ✓	55 Wendover Dr.
Szivalos Rom	105 ✓	55 WENDOVER DR.
S. Hagan	504 ✓	55, Wendover Dr.
D. Lipsit	1007 ✓	55 Wendover Dr.
J. Christman	307 ✓	" " "

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SUGGEST A CLOSING TIME OF 11:00 P.M. TO 6:00 A.M.

NAME(S)	APARTMENT #	ADDRESS
Mary A. Linnert	# 204 ✓	55 Wendover Dr.
Paul Stet	204 ✓	55 Wendover Dr.
M. Feller	804 ✓	55 Wendover Dr.
Jack Fittou	804 ✓	55 Wendover Dr.
Rose Buckland	505 ✓	55 Wendover Dr.
Pauline McDonald	302 ✓	55 Wendover Dr.
E. MacDonald	" ✓	"
J. Stonehouse	202 ✓	55 Wendover Dr.
M. Gask	1002 ✓	55 Wendover Dr.
Shylline Walker Lloyd	907 ✓	790 Mohawk Rd
Marta Patton	101 ✓	55 Wendover Dr. Hamilton
Loisette Krasno	301 ✓	55 Wendover Dr.
Arthur A. Ward	401 ✓	55 Wendover Dr.
E. Karickas	507 ✓	55 Wendover Dr.

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SUGGEST A CLOSING TIME OF 11:00 P.M. TO 6:00 A.M.:

NAME (14)	APARTMENT #	ADDRESS
J. E. Lykes	41204 /	55 Wendover
B. Boden <small>garage being used as auto shop the school bus</small>	506 /	55 Wendover
G. Capommi	608 /	" "
Carolyn Zuerch	207 /	55 Wendover
W. Hayes	207 /	" "
J. Jones	1507 /	" "
R. Kulemte	206 /	55 Wendover
Chris Buckingham	208 /	55 Wendover
Bill Matthews	807 /	55 Wendover
Linda Lloyd	904 /	55 Wendover
A. O. Clancy	708 /	55 Wendover
M. Singleton-Brown	801 /	55 Wendover
Edith Townsend	1408 /	55 Wendover

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SUGGEST A CLOSING TIME OF 11:00 P.M. TO 6:00 A.M.,

NAME (14)	APARTMENT #	ADDRESS
Jane Lowell	1001 ✓	535 W endover Dr.
Helen Kennedy	1208 ✓	" " "
Lera Johnson ^{bird}	805 ✓	" " "
Maya Hall	107 ✓	" " "
- E Shaw	505 ✓	" " "
E. Wilson	1005 ✓	" " "
Lena H. Harker	802 ✓	" " "
Gary Dickard	1403 ✓	" " "
C. G. Fadden	503 ✓	" " "
Bob Hill	107 ✓	" " "
E. Johnston	607 ✓	" " "
K. Platz	1108 ✓	" " "
J. Taylor	466 ✓	" " "
B. M. Miller	601 ✓	" " "

FOR ACTION

10. (A)

REPORT TO: Legislation Committee

FROM: E. A. Simpson
City Clerk

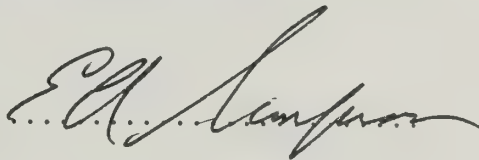
DATE: 1988 November 28

SUBJECT:

The Gun Replica Sale Prohibition Act, 1988 (Bill 145).

RECOMMENDATION:

That the City of Hamilton support and endorse Provincial Bill 145
- An Act to Prohibit the Sale of Gun Replicas.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Attached for the information of the members of the Legislation Committee is a copy of a letter from Mr. Mike Farnan, M.P.P., Cambridge dated 1988 October 25 requesting City Council to lend its support to the proposed legislation that would ban the sale of imitation fire arms that might be mistaken for the real thing. Also attached is a copy of Mr. Farnan's speech he made in the Ontario Legislature as well as a copy of Bill 145.

At its meeting held 1988 July 26, Hamilton City Council, on the recommendation of the Legislation Committee, endorsed the resolution from the City of Cambridge petitioning the Provincial Government to enact enabling legislation to allow municipalities to regulate and/or prohibit the sale of toy guns which are replicas of real weapons.

I am also attaching for the Committee's information, a copy of a letter from Colin T. Millar, Chief of Police dated 1988 June 17 advising that it is the position of the Canadian Association of Chiefs of Police that a viable solution to the problem would be the banning of toy gun replicas.

Attachments

REPLY TO: ☐

Room 227, North Wing
Legislative Assembly Building
Toronto, Ontario
M7A 1A2

(416) 965-9085



Ontario

LEGISLATIVE ASSEMBLY

MIKE FARNAN, M.P.P.

Cambridge

RECEIVED

NOV 14 1988

REPLY TO: ☐

Constituency Office
18 Ainslie Street South
Cambridge, Ontario
N1R 3J9

(519) 623-5852

October 25, 1988

To the City Councils
of the Municipalities
of Ontario

Dear Friends,

I am writing to draw your attention to my Private Member's Bill, the Gun Replica Sale Prohibition Act 1988 (Bill 145) and to ask for your support.

You are probably familiar with the tragic shooting death of a Brantford man last fall after he threatened a police officer with a Colt .357 Magnum replica. Indeed, you may have had similar incidents in your own communities.

The coroner's jury later recommended that the sale of gun replicas be banned in Ontario.

A few days after the recommendation was made, Ontario's Attorney General Ian Scott told reporters that he would consider banning gun replicas.

However, there was no further response from the majority Liberal Government.

On May 30, I introduced the enclosed legislation that would ban the sale of imitation firearms that might be mistaken for the real thing.

That Bill received second reading and has been sent to the Justice Committee for further study and recommendations.

I am enclosing a copy of the speech I made in the Ontario Legislature. I would be pleased to receive any suggestions you might wish to make that you feel would improve the proposed legislation.

... Continued

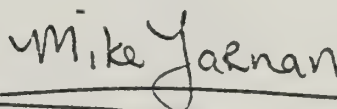
I would be pleased if your Council could lend its support to this Bill by petitioning the Justice Committee to recommend the approval of Bill 145 to the Legislature of Ontario. You can do this by having a motion passed by your Council and forwarded to:

The Clerk of the Legislative Assembly
Attention: Justice Committee
Legislative Building, Queen's Park
Toronto, ON
M7A 1A2

I would appreciate receiving copies of any correspondence sent to the Justice Committee and also any information that you may have that would assist in developing the case for banning the sale of replica guns.

Your support for this legislation would be much appreciated. I want to thank you for your consideration of this request and I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Mike Farnan". The signature is written in dark ink and is positioned above a horizontal line.

Mike Farnan
Cambridge MPP
Ontario New Democrats

Encl.

MF/mmc
OPEIU

placed it in the realm of the sale of replica guns. It is the minister or his or her agent who will determine whether or not a particular gun can be described as a gun replica and also will issue the appropriate certificate which would allow a toy gun to be on sale. The bill will allow toy guns to be continued to be sold as long as, in the judgement of the Minister of Consumer and Commercial Relations, it does not closely resemble or cannot be reasonably mistaken for a firearm. The bill allows for penalties to be imposed on those who would contravene the proposed Gun Replica Sale Prohibition Act.

There is a responsibility on us to deal with this issue, but there is a responsibility on society because it is an issue that all of society must be concerned about. I would like to stress that I believe the responsibility is on those stores which carry this type of gun. The type of gun that was used in the Brantford incident, the Magnum Commando toy gun, was readily available at K mart and Woolco stores in Brantford.

All stores, small and large, have a responsibility, with or without legislation I believe, to withdraw these types of replica guns from the shelves. Parents have a responsibility to think through the type of toys they are purchasing; and I think that responsible action on the part of stores and on the part of parents can go some way towards solving this problem. Certainly if the public did not buy the manufacturers would not produce and the stores would not sell. Unfortunately, the public buys, the manufacturers produce, the stores sell and the consequences are immense.

It comes back to all of us. We are in a position to do something that can reduce the risk of death, that can reduce the risk of severe injury to the person of individuals who might carry this toy gun in the circumstance of a robbery and also that can reduce the risk of death and injury to police officers who may be called out when indeed real guns may actually be in use.

I would ask for the support of members in all parties, on both sides of the House, for this legislation. There may be refinements that we could look at down the road, but I think the principle is intact. I think it falls suitably under the appropriate ministry and I think the effects of this legislation could be extremely beneficial. It could be a lead for the rest of Canada.

Thank you, Madam Speaker. I will reserve the rest of the time to wind up.

At your service



Mike Farnan

MPP Cambridge

Constituency Office:

13 Ainslie Street South
Cambridge N1R 3J9

Phone: 623-5852

Office open

Monday, Tuesday, Thursday, Friday
10:00 - 4:30 p.m.

My staff and I are at your service.
Please contact us. We will do our
best to help you.



Ontario

Hansard Official Report of Debates

Legislative Assembly
of Ontario

**Gun Replica Sale
Prohibition**

Comments made in the
Ontario Legislature by

Mike Farnan
MPP Cambridge





Ontario

Thursday, June 16, 1988

GUN REPLICA SALE PROHIBITION ACT

Mr. Farnan moved second reading of Bill 145, An Act to prohibit the Sale of Gun Replicas.

Mr. Farnan: I feel that this is an important piece of legislation that I place before the House today. It is a serious and real issue and, as we have tragically discovered, it is a life-and-death issue.

I would like, first of all, to quote from an editorial in the Brantford Expositor on October 28, 1987. It is referring to toy guns.

"Their use can be just as deadly as the real thing, as is now all too evident. When a robber points a gun at a bank teller, a variety store clerk, or in this sad case a police officer, it doesn't matter whether it is a real weapon or a toy, the victim feels equally at risk.

"From the point of view of the person holding the gun, it doesn't matter whether it is a toy or a replica, the intent is the same: to intimidate and frighten his victim.

"Toy or not, the replicas can be used like real guns and should therefore be treated like real guns."

This legislation responds to the tragic incident in Ontario last October, in Brantford, when during the investigation of alleged assault a Brantford man drew what appeared to be a Colt Python .357 Magnum revolver on a police officer after being told he was under arrest. When the man refused to drop the weapon, he was shot in the chest and subsequently died of his injuries. Later, it was discovered that the gun was a toy, a replica, and not the real thing at all.

Robert Monmouth, a firearms expert at the Centre of Forensic Sciences in Toronto told the inquest into this case that the copy was a lot lighter than the real gun but had the same colour, shape, trigger, and barrel length. He said the fake gun, which was sold with a red plug in its barrel is

indistinguishable from a real gun when the plug is removed.

The coroner's jury, investigating the death, recommended that manufacture and sale of realistic handgun replicas should be banned in this province.

At the time of the inquest, Brantford police department officials said it was important for the province to pursue the recommendation in order to prevent any further tragedies.

Twenty-six days after the shooting, the Attorney General (Mr. Scott) said he would consider the coroner's jury recommendation to ban replica guns.

In another incident that took place in Cambridge, a police officer actually drew a gun when a teenager was wielding an imitation gun in a public amusement area. There was the potential for similarly tragic consequences, but fortunately none occurred.

Police officers and police associations across Canada and North America are naturally concerned about this issue. The deputy chief, Charles Clare of Cambridge, had this to say:

"Initiation weapons sold today as toys are so realistic looking that until you handle them you cannot tell the difference. I fully support this type of legislation. It has been talked about in police circles for some time and certainly we would welcome any type of law, whether it be a bylaw, through the province or through federal legislation, that would ban the sale of initiation weapons."

According to Joe Ledermann, the president of the Waterloo Police Association:

"In 1988, Ontario police officers will face more than an estimated 100 similar incidents involving initiation firearms or guns of this type. We have run into some problems locally," said Mr. Ledermann. "Little toy guns are just fine," he said, "as long as they look like little toy guns. Manufacturers should make them look like little toy guns by making them in different colours and without all the working parts of a real firearm. When they are exact duplicates of actual firearms or can be mistaken as such, and are readily

available to the public, that is when the problem arises."

I would like to remind the members of the House of the stress under which police officers carry out their duties. We cannot afford to be insensitive to this very real danger in which our police officers must function. They are forced by the nature of their job to make life and death decisions. They have to presume that the weapon they are facing is real. They cannot jeopardize their own safety by second-guessing. They cannot go through mental gymnastics as to whether the gun is real or not real. It is not just the victim whose life is at stake or the individual with the toy gun, it is that of the police officer for whom, in the case where a real gun is being used that split second may mean his own death.

Quoting again from the Brantford inquest, one of the police officers had this to say: "I thought I was going to get shot. I was scared to death." There were two officers who went to the scene of the crime. "I was really scared, because I didn't know which gun had gone off first," said the second officer. That is just how real the situation is facing our police forces.

There is a real need to act. The issue has been debated at the municipal level and it is being passed between the provincial and federal jurisdictions. As we pass this issue up and down the ladder, instances occur. We have the police officer representative saying 100 cases in 1988; but that is not to include all those cases where toy guns are used in armed robbery where the individual carrying that gun has not come into face-to-face contact with a police officer, and the fear and intimidation that are caused to the individuals who are in the situation of being threatened by the individual carrying the toy gun.

There has been much discussion as to where this legislation appropriately belongs. My view, and the legal advice that I have received, supports dealing with the issue of toy replica guns in the manner outlined in the bill I have placed before the House.

To initiate and develop controls, I have placed the issue in the realm of the Ministry of Consumer and Commercial Relations. I have

Notice of refusal (4) If the Minister believes on reasonable grounds that the toy gun is a gun replica, the Minister shall notify the applicant of his or her refusal and the reasons therefor.

Effect of certificate (5) A certificate of approval issued in respect of a toy gun is effective in respect of all toy guns produced by its manufacturer and having the same design.

Offence 4.—(1) Every person is guilty of an offence if the person,

(a) contravenes subsection 2 (1) or (2);

(b) provides the Minister with false information or purposely misleads the Minister in an application; or

(c) falsely claims that a certificate of approval has been issued in respect of a toy gun.

Where not guilty

(2) A person is not guilty of an offence for contravening subsection 2 (2) if when the person sold a toy gun or offered a toy gun for sale the person reasonably believed that the Minister had issued a certificate of approval.

Penalty

5.—(1) Every person who is guilty of an offence under this Act is liable on conviction to a fine of not less than \$100 and not more than \$200 for a first offence and \$500 for each subsequent offence.

Idem

(2) If the person is a corporation, the minimum fine is \$500 and the maximum fines are \$1,000 for a first offence and \$5,000 for a second offence and not as provided in subsection (1).

Commence-ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Gun Replica Sale Prohibition Act, 1988*.

1st Session, 34th Legislature, Ontario 37 Elizabeth II, 1988

Bill 145

An Act to prohibit the Sale of Gun Replicas

Mr. Farnan

1st Reading May 30th, 1988
2nd Reading
3rd Reading
Royal Assent

Bill 145

1988

An Act to prohibit the Sale of Gun Replicas

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definition

"gun replica" means a toy gun or other object that is not a fire-arm as defined in the *Criminal Code* (Canada) but that closely resembles or might reasonably be mistaken for such a fire-arm; R.S.C. 1970, C.34

"Minister" means the Minister of Consumer and Commercial Relations;

"toy gun" means a gun designed for amusement or diversion rather than practical use.

2.—(1) No person shall sell a gun replica or offer a gun replica for sale. Prohibition

(2) No person shall sell or offer for sale a toy gun that is not a gun replica unless the Minister has issued a certificate of approval in respect of it.

3.—(1) A person wishing to sell a toy gun or offer a toy gun for sale may apply to the Minister for a certificate of approval. Application for certificate of approval

(2) The application shall be in the form provided by the Minister and shall include the fee set by the Minister and such other information concerning the design of the toy gun, including a model of it, as the Minister may require.

(3) If the Minister believes on reasonable grounds that the toy gun is not a gun replica, the Minister shall issue a certificate in respect of it. Issue of certificate

EXPLANATORY NOTE

The purpose of the Bill is to prohibit the sale of replicas of guns that might reasonably be mistaken for real guns in the commission of a crime.



Hamilton-Wentworth Regional Police

155 King William Street, P.O. Box 1060, Station A, Hamilton, Ontario, Canada, L8N 4C1 Telephone: (416) 522-4925

Chief of Police Colin T. Millar

June 17th, 1988

RECEIVED

JUN 20 1988

CITY CLERKS

Mr. John Thompson,
Secretary,
Legislation Committee,
City Hall,
71 Main Street West,
HAMILTON, Ontario,
L8N 3T4

RE: REPLICAS OF ACTUAL WEAPONS

Dear Mr. Thompson:-

In reply to your letter of May 9th, 1988, I would advise the Canadian Association of Chiefs of Police has for some time recognized the serious problems that exist in relation to the possession and use of handgun replicas. It is the position of the C.A.C.P. that a viable solution to the problem would be the banning of any further importation of these replicas. To date our presentations to government officials has not met with success but we will continue our efforts.

I have endorsed the position of the C.A.C.P. and further, I intend to request the Board of Commissioners of Police support a resolution to encourage legislation to ban importation of these replicas. If the Board supports this position, I will request they forward a copy of it to you.

Yours truly,

Colin T. Millar,
Chief of Police.

CTM:rc





THE CORPORATION OF THE CI

2700 Eglinton Avenue West, City of York, Ontario M6M

10. (6)

THE OFFICE OF THE CLERK

In Reply Refer to
Telephone

RECEIVED

OCT 27 1988

October 21, 1988

CITY CLERKS

Mr. E. A. Simpson, City Clerk,
City of Hamilton,
71 Main Street, West,
HAMILTON, Ontario,
L8N 3T4

Dear Sir:

Re: Request to Declare the Post
Office as an Essential
Service.

I forward herewith for your consideration and
endorsement, the appended copy of Resolution No. 722-88,
with respect to the above subject, which was passed by the
Council of the City of York at its meeting held on September
6, 1988.

Should your Council endorse the foregoing
communication, would you please inform the Honourable Harvie
Andre accordingly.

Yours very truly,

C. RODRIGO,
City Clerk.

CR:hg.
encl.(1).



The Corporation of the City of York

Council Chamber

September 6, 19 88.

Moved by Alderman Nobleman

Seconded by Alderman Fortunato

~~Resolved~~ ~~XXXX~~

WHEREAS the third postal strike in the past 18 months is detrimental to many small businessmen, the backbone of the Canadian economy and the public generally; and

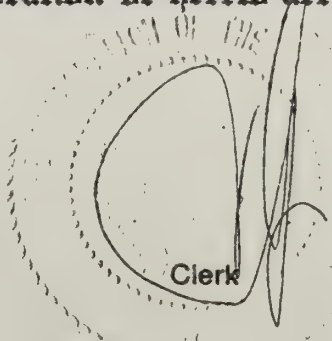
WHEREAS a lengthy postal strike will inconvenience senior citizens, the handicapped and persons on welfare; and

WHEREAS postal service has not improved in recent years;

THEREFORE BE IT RESOLVED that the City of York urges the Federal Government to give consideration to declaring the Post Office as an essential service which would outlaw all future postal strikes and institute compulsory arbitration; and further

THAT a copy of this resolution be forwarded to the Association of Municipalities of Ontario, the Federation of Canadian Municipalities and all municipalities with populations of 50,000 and over;

and that the Seal of the Corporation be hereto affixed.



Clerk

Carried.

A handwritten signature in ink, likely belonging to the Mayor.

Mayor

FOR ACTION

REPORT TO: Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

DATE: 1988 November 28

COMM FILE:

DEPT FILE:

SUBJECT:

Civic Awards.

RECOMMENDATION:

That civic awards be made to the following members of the Steel City Riders' Motorcycle Club in recognition of winning national championships:

NAME

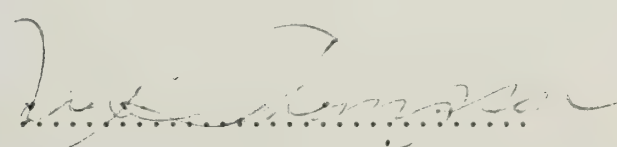
AWARD

Larry Bastedo

Diamond Insert

Patrick Driscoll

Civic Gold Ring



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

\$290. Funding available.

BACKGROUND:

12.

Association of Municipal

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6

November 18, 1988

RECEIVED

NOV 24 1988

Dear Association Member:

.....
CITY CLERKS
It is with regret that I inform the members that the results of the November 14th, 1988 municipal elections have left 19 vacancies on the AMO Board of Directors.

The following individuals have either resigned or were defeated at the polls:

Michael Power, Mayor, Town of Geraldton and AMO President
Marjorie Carroll, Mayor, City of Waterloo and AMO Vice-President
Bill Wyatt, Mayor, Town of Port Hope and Chair, Small Urban Section (OSUM)
Manuel Antunes, Deputy Reeve, Town of Wasaga Beach
Ted Bounsall, Councillor, City of Windsor and First Vice Chairman, Large Urban Section
Morris Darby, Reeve, Township of Tiny
Leo Del Villano, Alderman, City of Timmins
Robert Feasey, Reeve, Township of Adelaide
Susan Geurts, Deputy Reeve, Town of Cobourg
Barbara Horner, Councillor, County of Lambton
Calvin Innes, Councillor, County of Perth
Sally Laine, Councillor, Town of Geraldton
Don McCumber, Reeve, Township of Emily
Pat McIsaac, Councillor, City of Orillia
Nancy Porteous, Councillor, City of Brampton
Roger Taylor, Mayor, Town of Elliot Lake
David Tilson, Councillor, Town of Orangeville
Al Walker, Alderman, City of Stratford
Helen Wursta, Councillor, City of Etobicoke

The Association is therefore looking for nominations to fill these vacancies and requests the membership to forward nominations to the Executive Director prior to December 7, 1988.

MacDonald Dunbar
Executive Director, AMO

4. RESOLUTIONS

- (a) Town of Haldimand
Establishment of Policies to Enhance the operation
and facilities of the Hamilton Civic Airport

5. CONSIDERATION OF 1989 BUDGET ESTIMATES

- (a) Legislative
- (b) City Clerk's Department
- (c) Film Advisory Committee
- (d) Mundialization Committee
- (e) Status of Women Sub-Committee
- (f) Civic Awards, Receptions, Delegate Hosting

6. NEW BUSINESS7. ADJOURNMENT

4. RESOLUTIONS

- (a) Town of Haldimand
Establishment of Policies to Enhance the operation
and facilities of the Hamilton Civic Airport

5. CONSIDERATION OF 1989 BUDGET ESTIMATES

- (a) Legislative
- (b) City Clerk's Department
- (c) Film Advisory Committee
- (d) Mundialization Committee
- (e) Status of Women Sub-Committee
- (f) Civic Awards, Receptions, Delegate Hosting

6. NEW BUSINESS7. ADJOURNMENT

OUTSTANDING ITEMS

LEGISLATION COMMITTEE

	<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
1.	Review Civic Award Policy and Regulations	1988 December 05	Legislation Committee	Report to Follow
2.	Public Review of New Second Level Lodging House By-law	1989 January 19	Legislation Committee	Review Pending
3.	Policy for Special and Public Meetings	1989 January 23	Staff	Report to Follow
4.	Policy for Use of Council Chambers	1989 January 23	Staff	Report to Follow
5.	AMO Membership Fee	1989 January 23	AMO	Report to Follow
6.	Police Report on Licencing Function	1989 January 23	Regional Police	Report Pending
7.	Additional Staffing - Licencing	1989 January 23	Legislation Committee	Report Pending Following Budget Review
8.	General Public Review of Licencing By-law No. 79-323 Re Taxis and Livery Vehicles	1989 January 23	Legislation Committee	Review Pending
9.	Regionalization of Bingo Lottery Licences	1989 January 23	Licencing Committee	Report to Follow
10.	Smoking in the Workplace - Status Report of City of Hamilton Legislation Impact of Bill 194	1989 January 23	Legislation Committee	Review with Interest Groups Pending

Monday, 1989 January 23
10:00 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present:

Alderman V. J. Agro, Chairman
Alderman M. Kiss, Vice-Chairman
Mayor R. M. Morrow
Alderman D. Drury
Alderman G. Copps

Alderman F. Lombardo
Alderman T. Jackson
Alderman H. Merling
Alderman D. Ross

Also present:

Alderman D. Christopherson (Part of Meeting)
Alderman T. Murray (Part of Meeting)
Mr. L. Sage, Chief Administrative Officer
Mr. K. E. Avery, Deputy City Clerk
Mr. S. J. Dembe, Manager, Licencing Division
Mr. D. Vyce, Director of Property
Mr. P. Hooker, City Solicitor's Office
Ms. L. Lawrence, City Solicitor's Office
John Thompson, Secretary

Alderman Ross addressed the Committee and explained that he was given to understand that the public meeting of the Legislation Committee which was held Thursday evening 1989 January 19 was an information session, during which, the proposed new Second Level Lodging Housing By-law would be discussed and interested citizens would be invited to present any comments or views they may wish to make regarding the proposed new by-law.

The Secretary explained that the special public meeting was called by the Chairman as a result of discussions he had with Alderman Christopherson.

Alderman Lombardo commented that in future a poll of the Committee should be taken to ensure a quorum.

Alderman Merling submitted that many citizens in attendance expected that a decision would be made on the proposed new Second Level Lodging House By-law and that a vote would be taken.

Alderman Ross submitted that another public meeting should be held to discuss the proposed by-law at a time and on a date that is convenient to everyone and does not conflict with any other meeting.

Alderman Christopherson addressed the Committee and explained that the proposed new Second Level Lodging Housing By-law was presented to the Legislation Committee on 1988 September 19 on behalf of the Second Level Lodging House Task Force for their consideration and recommendation.

He proceeded to explain that because there were only one or two members of City Council involved in the deliberations of the Second Level Lodging House Task Force, the Committee decided to receive the report and direction was given to staff to prepare a formal proposal for a public meeting.

Following considerable discussion, the Committee directed staff to bring back a report containing a policy clarifying the administrative procedure to follow in arranging public meetings held under the auspicious of a standing committee at which no vote will be taken and regularly scheduled meetings of the standing committees at which a quorum is required and a vote will be taken.

Public Meeting -
Second Level
Lodging
By-law

Adoption of the
Minutes
of the Meeting
held
1988 December 05

1. MINUTES

The meetings of the last regular meeting held 1988 December 05 were received and adopted as circulated to the members.

Participation
House
Display

2. PARTICIPATION HOUSE DISPLAY

As outlined in a report of the City Clerk dated 1989 January 16, the Committee agreed to submit the following recommendation to City Council for approval.

That the request of the Participation House - Hamilton and District for permission to set up a display board in the second floor foyer from 1989 February 01 to February 16, be approved.

World
Day
of
Prayer

3. WORLD DAY OF PRAYER

As outlined in a report of the City Clerk dated 1989 January 11, the Committee agreed to submit the following recommendation to City Council for approval.

That the request of the Salvation Army, Hamilton Temple for the following arrangements in connection with the World Day of Prayer ceremony to be held Friday, 1989 March 03, be approved.

(a) Use of the Council Chambers for a rehearsal on Monday, 1989 February 27 from 7:00 p.m. to 9:00 p.m. and for the ceremony to be held from 11:00 a.m. to 2:00 p.m. on Friday, 1989 March 03.

(b) Providing coffee and tea for a reception in Room 219 following the ceremony.

Note: Funding for this expenditure to be charged to Account No. CH55313-84010 - Receptions, City Hall.

With respect to the use of the Council Chambers by outside groups and organizations, Alderman Merling suggested that a policy should be drafted for the use of the Council Chambers for consideration by the Committee.

General Meeting -
Hamilton Minor
Hockey Council

4. HAMILTON MINOR HOCKEY COUNCIL GENERAL MEETING

As outlined in a report of the Director of Culture and Recreation dated 1988 December 13, the Committee agreed to submit the following recommendation to City Council for approval.

That approval be given for the use of the Council Chambers for a general membership meeting of the Hamilton Minor Hockey Council on 1989 March 01 at 7:30 p.m.

5. PHOTO SHOOT - GATHERING RECORDS LIMITED

As outlined in a report of the City Clerk dated 1989 January 18, the Committee agreed to submit the following recommendation to City Council.

"That the request of Gathering Records Ltd. for permission to use the City Hall forecourt on Saturday, 1989 January 28 at 12:00 o'clock noon for staging a photo shoot of a gathering of personnel from the Arts and Entertainment field for a poster and album cover, be approved."

Photo Shoot -
Gathering
Records
Limited

6. AMSTEL LIGHT HAMILTON MARATHON

As outlined in a report of the City Clerk dated 1989 January 10, the Committee agreed to submit the following recommendation to City Council.

That the City of Hamilton endorse and support the 1989 Amstel Light Hamilton Marathon to be held in the City of Hamilton in May, 1989.

Note: Support for this event will be similar to that given for the 1988 Hamilton Marathon. As in the past three years, this has not been a request for financial assistance but rather support services from Parks, City Clerk's, Public Works, etc.

Amstel Light
Hamilton
Marathon

7. ASSOCIATION OF MUNICIPALITIES OF ONTARIO, MEMBERSHIP FEES

The Committee was in receipt of a report of the City Clerk dated 1989 January 10 recommending that authorization be granted to remit payment to the Association of Municipalities of Ontario in the amount of \$10 630.72 for the City of Hamilton's 1989 membership fee.

In light of the average 25% increase in the membership fee for the City of Hamilton, the Committee directed that this matter be tabled pending receipt of a financial statement from A.M.O. along with additional information as to how A.M.O. intends to retire the accumulated deficit and achieve financial stability all with the 1990 and 1991 fee increases comparable to the expected increase in consumer prices.

Association
of
Municipalities
of
Ontario -
Membership
Fees

8. 1988 HAMILTON ARTS AWARD

As outlined in a report of the Secretary dated 1989 January 17, the Committee agreed to submit the following recommendation to City Council.

That approval be given to the action of the City Clerk's Department in directing the preparation of a cheque in the amount of \$500 which was awarded to Mr. Herb Barrett in recognition of his receiving the 1988 Hamilton Arts Award.

Note: This is a civic award which is presented annually on behalf of the City of Hamilton at a special ceremony. Funds have been allocated and are available in Account No. GR53439-20020.

1988
Hamilton
Arts Award

Advertisement
in
Kinsmen
Magazine

9. ADVERTISEMENT IN KINSMEN MAGAZINE

As outlined in a report of the City Clerk dated 1989 January 09, the Committee agreed to submit the following recommendation to City Council.

- (a) That the City of Hamilton purchase an ad in the special issue of the national publication of "Kin Magazine", a magazine featuring messages of support acknowledging the valuable work performed by the Kinsmen and Kinettes, at a cost of approximately \$410.
- (b) That the cost of this advertisement be financed from Account No. CH56302-12000, Advertising, City Clerk.

Resolution
City of Etobicoke
Regarding
Heat-Related
Deaths
Among
Residents of
Nursing Homes

10. CITY OF ETOBICOKE - RESOLUTION REGARDING HEAT-RELATED DEATHS
AMONG RESIDENTS OF NURSING HOMES

The Committee was in receipt of a resolution from the City of Etobicoke dealing with heat-related deaths among residents of nursing homes which has been forwarded to the City of Hamilton for endorsement and support.

In a report dated 1989 January 16, the City Clerk recommended that the resolution of the City of Etobicoke be referred to the Regional Health and Social Services Committee for consideration and recommendation as this issue falls under the jurisdiction of Regional Council.

Alderman Ross submitted that the resolution is vague and ambiguous and it does not give any direction or information on costs and time-frames.

It was moved by Alderman Ross, seconded by Alderman Lombardo and carried that the Committee recommend to City Council that the following resolution from the City of Etobicoke, be received.

"WHEREAS there have been a significant number of heat-related deaths among the residents of nursing homes; and

WHEREAS it is obvious that measures must be taken to alleviate intense heat conditions experienced in the summer of 1988; and

WHEREAS there is a lack of consensus among experts regarding the best mechanism to remedy this problem; and

WHEREAS this matter is of concern to municipalities as it affects nursing home residents and their families living within the municipality;

THEREFORE BE IT RESOLVED that Etobicoke Council and the Board of Health urge the Ministry of Health to investigate measures to prevent further recurrences of this nature; such measures should be effective; acceptable to the residents of these institutions and closely monitored; and

FURTHER that this Motion be circulated to all Ontario municipalities of over 150 000 people and their health units for endorsement."

11. TOWN OF DUNDAS - RESOLUTION, G A S P (Greensville Against Serious Pollution)

The Committee was in receipt of a resolution from the Town of Dundas regarding the possibility the Province of Ontario proposing legislation to prohibit the deposit of sanitary land fill material in any quarry above the escarpment which was been forwarded to the City of Hamilton for endorsement and support.

To assist the Committee in responding to the Town of Dundas' request for support, the Secretary explained in a report dated 1989 January 16 that City Council at its meeting held 1988 November 08, on the recommendation of the Legislation Committee, endorsed a resolution from the Greensville Against Serious Pollution which is referred to in the second paragraph of Dundas' resolution. The resolution from Greensville Against Serious Pollution recommended that legislation be passed (whether federally, provincially or by direct amendment to the Pits and Quarries Legislation) stating that, in the rehabilitation of any Ontario or Canada-based quarry, it is illegal for rehabilitation to include any acceptance of wastes as landfill. This includes all industrial, commercial and residential wastes whether classed as non hazardous or hazardous.

It was moved by Alderman Ross, seconded by Alderman Merling and carried that in light of the fact that the resolution from the Town of Dundas dealing with the issue of the deposit of sanitary landfill material in quarries has already been dealt with by the Regional Engineering Services Committee, the Legislation Committee recommend to City Council that no action be taken on the resolution from the Town of Dundas.

12. CO-ORDINATING COMMITTEE NAME CHANGE

The Committee was in receipt of a report from the Secretary dated 1989 January 17 advising that at its caucus meeting held 1988 November 03, City Council directed the Legislation Committee be requested to consider changing the name of the Co-ordinating Committee back to the Executive Committee.

It was moved by Mayor Morrow, seconded by Alderman Ross that the name of the Co-ordinating Committee be changed back to the Executive Committee. Motion lost.

It was subsequently moved, seconded and carried that no action be taken to change the name of the Co-ordinating Committee back to the Executive Committee.

13. LICENCING COMMITTEE

(a) Status Report on Progress

Alderman Christopherson gave a brief presentation of the recent activities of the Licencing Committee. He explained that the Licencing Committee is well on its way to restoring the integrity and public confidence in the licencing process. He explained that the Licencing Committee has been examining major issues such as procedural matters, staffing, Taxi-cab Priority List and Bingo Licences. He commended Mr. Dembe and the staff of the Licencing Division for the excellent work being done under the present crisis situation.

Resolution
Town
of
Dundas -
G A S P
(Greensville
Against
Serious Pollution)

Co-ordinating
Committee
Name
Change

Licencing
Committee
Status Report
on Progress

Public Review
of
Licencing
By-law No. 79-323
Respecting
Taxi-cabs

(b) Public Review of Licencing By-law No. 79-323 Respecting Taxi-cabs

As outlined in a report of the City of Hamilton Licencing Committee dated 1989 January 19 dealing with a public review of Licencing By-law No. 79-323 Respecting Taxi-cabs, the Committee agreed to submit the following recommendations to City Council for approval, as amended.

That the Legislation Committee conduct and complete, within the next ninety (90) days, a general public review of Licencing By-law No. 79-323 (as amended) respecting Taxi-cabs, including, but not limited to, the following matters:

- (1) The requirement of an applicant for a licence who is on the Taxi-cab Priority List to have actually engaged in operating a taxi-cab full time in the City as owner or driver or dispatcher for a period of at least two (2) consecutive years immediately prior to the date of consideration of his or her application by the Licencing Committee; and
- (11) A new administration fee to be paid by an applicant for a licence in order to be placed on the Taxi-cab Priority List and, afterwards, to be paid by the applicant, on an annual basis, in order to remain on the Taxi-cab Priority List.

It was agreed that the role of the Legislation Committee will be to recommend the enactment of legislation and that the Licencing Committee will implement, interpret, work with and adjudicate the legislation.

For the information of the members of the Committee, the Chief Administrative Officer reported that the Police Department have completed their investigation with respect to any criminal activity that may pertain to the Licencing function and will be tabling their report with the Legislation Committee within two weeks.

Additional Staff -
Licencing Division
City Clerk's
Department

(c) Additional Staff - Licencing Division, City Clerk's Department

The Committee was in receipt of a report from the Deputy City Clerk dated 1989 January 19 containing recommendations for the establishment of four (4) new positions in the Licencing Division of the City Clerk's Department and the purchase of additional equipment.

It was moved by Alderman Copps, seconded by Alderman Ross and carried that the request for additional staff and equipment be referred to the Treasurer in the usual budget process for consideration by the Legislation Committee during budget deliberations.

Bingo
Lottery By-law
No. 78-130

(d) Bingo Lottery By-law No. 78-130

Alderman Drury advised that he works as a volunteer with one of the local community service clubs and as a result declared a possible conflict of interest because of their involvement in obtaining bingo lottery licences. Aldermen Copps and Merling also declared a possible conflict of interest because of their association with local community service clubs who obtain bingo lottery licences from the City of Hamilton. Alderman Ross commented that he sits on a board of directors of an organization who have applied to the City for a licence but that he does not receive any money from the organization directly or indirectly. All pecuniary interest is focused on the organization rather than the individuals who sit on the board as directors.

Following considerable discussion on possible conflicts of interest and as outlined in a report of the Licencing Committee dated 1989 January 05, the Committee agreed to submit the following recommendation to City Council for approval.

That all references to the number of Bingo Lottery licences to be issued in the City of Hamilton as specified in Bingo Lottery By-law No. 78-130 as amended by By-law No. 87-18, Section 1(4), be repealed.

Note: For the information of the members of City Council, the City Solicitor's Office has advised that the municipality has no legislative authority to limit the number of bingo licences.

(e) Bingo Lotteries

As outlined in a report of the Licencing Committee dated 1989 January 19, the Committee agreed to submit the following recommendations to City Council for approval, as amended.

- (a) That Bingo Lottery By-law No. 78-130 as amended by By-law No. 81-248 be further amended by deleting all reference to the prices of bingo game cards and inserting in lieu thereof reference to the City of Hamilton Licencing Committee being authorized to regulate the pricing of bingo cards.
- (b) That the City Solicitor be authorized and directed to consolidate the Bingo Lottery By-law No. 78-130 and amendments.
- (c) That the Province of Ontario be notified of the City of Hamilton's concern about the potential for saturation of the bingo market within Hamilton.
- (d) That the Province of Ontario be made aware of the potential impact on Hamilton organizations by the effect of bingo operations in neighbouring municipalities.
- (e) That the City of Hamilton Licencing Committee be requested to consider the regionalization of Bingo Lottery licences.

14. INSTALLATION OF CANADIAN FOOTBALL HALL OF FAME AND MUSEUM SIGN

The Committee was in receipt of a report of the Director of Property dated 1988 December 22 recommending that approval be granted for the installation of a permanent Canadian Football Hall of Fame and Museum sign at the north-east corner of the City Hall property in the vicinity (east of) the wheelchair access leading to Main Street West. It was noted that in adopting Section 9 of the FIRST Report of the Legislation Committee, City Council at its meeting held 1988 December 13 approved the installation of a permanent sign on the north-east corner of the City Hall property conditional upon the Legislation Committee approving the exact location of the sign.

The above recommendation of the Director of Property was lost on a tie vote and in accordance with established policy, will be submitted to City Council for its consideration and disposition.

Bingo Lottery
By-law No. 78-130

Bingo Lotteries

Installation
of
Canadian Football
Hall of Fame
and Museum
Sign

Election
Signs15. ELECTION SIGNS

The Committee was in receipt of a report from Mr. P. R. A. Hooker, City Solicitor's Office dated 1988 December 14 in response to the Committee's request to investigate the possibility of banning elections signs for future municipal elections.

Having reviewed the case law on this subject, Mr. Hooker is of the opinion that the City has no power ban or prohibit municipal election signs or any election signs including Provincial and Federal election signs if such signs are erected on privately owned property.

Following review of the report, the Committee directed that it be received.

Status Report
on
City
of
Hamilton
Legislation -
Smoking
in the
Workplace16. STATUS REPORT ON CITY OF HAMILTON LEGISLATION - SMOKING IN THE
WORKPLACE

The Committee was in receipt of a report from Ms. Lian Lawrence, City Solicitor's Office dated 1989 January 18 containing a status report on the City's application for private enabling legislation to enact a Workplace Smoking By-law along with a review of Bill 194 and its impact on the City of Hamilton initiative.

The Committee directed that the report be received for a future meeting with various interest groups and organizations who appeared before the Legislation Committee at a public meeting held last year in support of a by-law regulating smoking in the workplace for the City of Hamilton.

Open House - 1988

17. OPEN HOUSE - 1988

The Committee was in receipt of a report from the Open House Sub-Committee, Staff Advisory team dated 1989 January 17 containing the following recommendations.

- (a) That the attached Statement of Expenses for the City Hall Open House dated 1989 January 17 in the amount of \$1 992.92, be approved.
- (b) That the City Hall Open House be held once every three years prior to each municipal election.
- (c) That the budget for the next City Hall Open House be increased to \$5 000.
- (d) That the successful joint participation in the City Hall Open House, between the City of Hamilton and the Regional Municipality of Hamilton-Wentworth, be encouraged.
- (e) That the attached photo album of this year's Open House be kept by the City Clerk for viewing by the general public and for future reference.

It was moved by Alderman Merling, seconded by Alderman Drury and carried that the City Hall Open House Program, be discontinued.

Recorded vote on discontinuance of Open House Program.

Yeas - Aldermen Kiss, Copps, Lombardo, Merling. Nays - Aldermen Agro, Jackson and Ross.

18. BY-LAW RESPECTING FLEA MARKETS

As outlined in a report of the City Solicitor dated 1989 January 05, the Committee agreed to submit the draft by-law to Repeal By-law No. 87-234 and By-law No. 87-294 and to amend Licencing By-law No. 79-323 Respecting Flea Markets to City Council for approval.

By-law
Respecting
Flea Markets

19. FCM CONFERENCE ON URBAN INFRASTRUCTURE

The Committee received literature on the First Canadian Conference on Urban Infrastructure to be held in the City of Edmonton, Alberta 1989 February 13 and February 14.

FCM Conference
on
Urban
Infrastructure

20. CITIZEN APPOINTMENTS TO SUB-COMMITTEES OF THE LEGISLATION COMMITTEE

The Committee approved the following appointments to the Sub-Committees listed below:

Citizen
Appointments
to
Sub-Committees
of the
Legislation
Committee

French Sub-Committee

Alderman G. Copps
Marie Patenaude Barker
Anne Graveriaux
A. J. Lafreniere
Ryan M. Paquette
Denise Beauchemin
Rodger Paquette
Laurent Turenne

Hamilton Farmers' Market Sub-Committee

Alderman F. Lombardo
Bud Hubbard - Hamilton Farmers' Market
Stallholders Association
Ken Gunson - Hamilton Farmer's Market
Stallholders Association
Gregory Frailegh - Citizen

With respect to citizen appointments to the Status of Women Sub-Committee, Aldermen Kiss, Copps and Jackson agreed to sit on a committee to interview the applicants.

With respect to Council representation on the Status of Women Sub-Committee, the Committee approved of the appointments of Aldermen Kiss and Jackson to serve on the Sub-Committee.

The meeting then adjourned.

Adjournment

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1989 January 23

Typed by M. J. Walton

Allies For Animal Rights

DEC 28 1988

December 22, 1988

2.

His Honour, Mayor Bob Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor Morrow:

Allies for Animal Rights is the first animal rights organization to be formed in the Hamilton area. A-FAR was originally formed in March, 1988, to combat, through non-violent, non-destructive means, the exploitation and abuse of non-human species and to promote a way of life that gives equal consideration to human and non-human interests and rights. A-FAR members are committed to the cessation of the exploitation and abuse of all non-human species.

A-FAR is an action-oriented group and our primary method for change is through education: lectures, news articles and letters, public relations events, press agency, protest marches and demonstrations and other such non-violent, non-destructive methods that may be appropriate to raise awareness among the general public, gather support for new legislation, seek behaviour changes on the part of individuals, corporations, research facilities or governments, whether in our own or other countries.

In September, 1988, a rodeo was held at Copps Coliseum in Hamilton. Allies for Animal Rights made an appearance at the Coliseum both to protest the exhibition of the rodeo and to educate the public about the cruelties inflicted upon rodeo animals.

Although many people think of rodeos as harmless entertainment, there is simply no such thing as a humane rodeo -- most, if not all, rodeo events are inherently inhumane.

. . . 2

Rodeo proponents claim that animals used in bull and bronco riding competitions buck because its their natural instinct, because they don't like having riders on their backs, or because they simply enjoy bucking. In fact, the evidence overwhelmingly suggests that the animals buck because they are experiencing pain resulting from the use of the "bucking strap" (also called the flank strap), the rider's spurs, and prodding or other mistreatment. The bucking strap is cinched around the lower abdominal area of the horse or bull, applying pressure to internal organs and nerves unprotected by the ribcage. As the chute gate opens, the strap is tightened by a rodeo worker situated behind the chute. Rodeo proponents claim that this individual knows just exactly how tight the strap should be, and never cinches it too tight. But when the animal is bolting headlong out of the chute, and the rodeo worker is pulling on the strap, the tightness and exact placement of the strap become uncertain. It is not uncommon to observe the strap tightened around an animal's genitals.

In the bucking events, the score of each contestant is determined in part by the spurring action employed by the cowboy, and in part by the animal's bucking display. This scoring system encourages mistreatment of animals -- the most formidable displays of bucking are brought about through the inducement of pain. Bucking horses and bulls are at risk of injury each and every time they are used. Their injuries include bruising from movement in the narrow chutes prior to release, abrasions caused by the rider's spurs, muscle and tendon injuries sustained while bucking, injury or death from collisions with the walls of the arena, and raw open sores caused by regular use of the bucking strap.

Adding to the bucking animal's ordeal is the infliction of pain by various means while animals are confined in the chutes. Tail-twisting and jabbing with sharp objects are common ways of getting animals "riled up". Horses and bulls are routinely worked over with electric prods (which deliver up to 8,000 volt shocks) while held in the chutes unable to escape the pain. The prods produce no amperage, so no burns result, although bleeding and skin damage may occur. The force of the shock, while endurable, is very painful. The prodding is calculated to work the animal into a state of frenzy, so that when the chute gate is opened he will lunge out, bucking wildly. The prodding occurs in the chutes -- out of sight of the crowds -- and sometimes prods are hidden in the user's clothing.

Electric prods and tail-twisting are also used on calves and steers prior to their release into the arena for the roping competition. This mistreatment sends the calf or steer dashing out of the chute at an average speed of 27 miles per hour, pursued by a cowboy on horseback. In calf roping the goal is to rope the calf around the neck, flip him off his feet, and tie up any three legs in ten seconds or less. Injuries resulting from this brutality include broken necks and backs, severe bruising, internal hemorrhaging, and crushed throats and trachea. The steer busting event is similar, the only difference being the size of the victim. Team roping involves two cowboys; one ropes the steer around the horns and the other ropes him around the hind legs, painfully pulling the animal in two directions at once. In steer wrestling, a cowboy on horseback leaps from the horse while passing the steer at a gallop, grabs the horns, and twists the steer's head until the animal loses his balance and falls.

Chuckwagon races, using teams of four horses, are among the most dangerous of rodeo events for both humans and animals. A chuckwagon race held as part of the Calgary Stampede rodeo in 1966 resulted in five horse deaths when three wagons collided in one of the worst accidents in the history of rodeo. In the "Suicide Race" held at the Omak Stampede in Omak, Washington, horses are raced at breakneck speed down a steep 200-foot high embankment. In 1985, a terrible pile-up at the bottom of the hill resulted in many injuries and one fatality among the horses used in this senseless event.

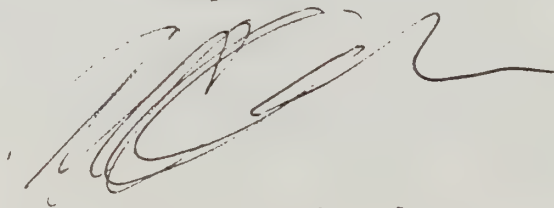
Rodeo's apologists are quick to assert that the animals they use are "too valuable to mistreat." They mention that bucking horses may live 20 years or longer and maintain that, were it not for rodeos, the animals would end up being slaughtered for pet food. But the mere fact that a horse lives to be 20 years old says nothing about what the animal may have experienced during that time. Most horses and bulls used in the bucking events never would have been brought into the world in the first place if they weren't going to be used in rodeos. The calves and steers used in roping events are destined for the slaughterhouse anyway; they are used in rodeos to bring a little extra income to ranchers before being fattened for market. Bucking horses and bulls are often slaughtered when they have outlived their usefulness on the rodeo circuit.

The so-called sport of rodeo belongs in the same category as bullfighting, cockfighting, and dogfighting -- they are all violent events staged for the purpose of entertainment. There would be massive public outcry if dogs and cats were to be treated as are rodeo animals: prodded, cinched, spurred, thrown and slammed around like inanimate objects. No animal enjoys being treated in this manner. It is true that rodeo contestants are also subject to the risk of injury and death in the arena, but they may choose not to participate. The animals have no such privilege.

In view of the brutal treatment of rodeo animals. Allies for Animal Rights respectfully requests that the Hamilton City Council give serious consideration to passing a by-law banning rodeo events in Hamilton. We feel that the only way to stop these abuses is to stop rodeo performances. We are certain that, now that you are familiar with the cruelty experienced by rodeo animals, you will be more than willing to support such a by-law.

Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Liz Crozier-Organ', with a long horizontal flourish extending to the right.

Liz Crozier-Organ
Co-Ordinator

JAN 13 1989

Corporation of the City of Hamilton
Memorandum

TO: Chairman and Members
Legislation Committee
Mr. J. D. Thompson
Secretary, Legislation Committee

YOUR FILE:

FROM: Philip R. A. Hooker
City Solicitor

OUR FILE: 130-37/89.

SUBJECT: Rodeos - Allies for Animal Rights

DATE: 1989 January 13

In reply to Mr. Thompson's inquiry memo of January 9th, 1989 on the captioned subject, respecting the December 22nd, 1988 letter from Allies for Animal Rights to Mayor R. Morrow, a copy of which letter is attached, in our opinion the municipality already does have legislative power to pass a by-law prohibiting the holding of rodeo events within its boundaries.

This is because section 160 of the Regional Municipality of Hamilton-Wentworth Act permits local councils to pass by-laws that a board of police commissioners is authorized to pass under the Municipal Act and because section 232, paragraph 7 of the latter Act allows a board of police commissioners to pass by-laws:

"For prohibiting or regulating and licensing ...menageries, circus-riding, and other like shows usually exhibited by showmen..."

This extract gives a municipality the option of either prohibiting such events on the one hand or licensing and regulating them on the other hand. In either case, the municipality must do so by a by-law.

In our opinion, the phrase, "circus-riding, and other like shows usually exhibited by showmen" clearly includes rodeo-type shows.

If the City decides to prohibit the holding of rodeo events, while still permitting circus events, the by-law would have to so indicate quite clearly, especially in the definitions it uses.

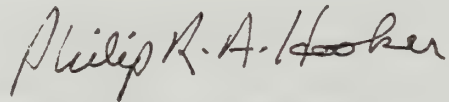
Schedule 15 of City of Hamilton Licensing By-law 79-323, as amended by By-law 81-234, currently provides for licences and licence fees for:

Section 6.-2 "Exhibitions for which admission is charged in other than a licensed theatre or a licensed public halls,

(b) of performing horses, ponies or dogs...

(c) of a menagerie or trained animal show, circus riding, wild west show or other like show usually exhibited by showmen, or a carnival...and...side show or other entertainment connected with or associated with each show mentioned in this clause..."

Accordingly, should your Committee recommend, and Council decide to adopt, the decision to prohibit rodeos or wild west shows or "stampedes" (however described) amendments to By-law 79-323 will be necessary.



Philip R.A. Hooker
for K. A. Rouff
City Solicitor

PRAH:dc
encl.

c.c. Ms. Lian Lawrence,
Solicitor

c.c. Mr. S. Dembe,
Licence Manager

JAN 24 1989



THE HAMILTON
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

FROM: Cam Stableford
General Manager
Hamilton SPCA

SUBJECT: Rodeos

DATE: January 19, 1989

ATTENTION: John Thompson, Secretary,
Legislative Committee
City of Hamilton

cc. Alderman Terry Cooke

I am responding herewith to your enquiry of January 9, 1989 with respect to the possibility of a By Law prohibiting the conduct of Rodeo events within the City of Hamilton. I have also reviewed the letter of December 22, 1988 submitted to the attention of Mayor Morrow from Allies for Animal Rights.

Two Rodeos have been held in Hamilton in recent years at Copps Coliseum. Both events were attended by our Inspector, Mr. Carl Badow. At these events we witnessed the following:-

- use of an electric prod around the anus of steers
- use of an electric prod around the eyes of a bull
- the kicking of calves and steers around the head and generally rough treatment of animals being moved to chutes
- minor breaches of Ontario Rodeo Association Rules

On the occasion of these observations, the rodeo owner operator was spoken to, and these situations were temporarily remedied.

We find the letter from Allies for Animal Rights to be largely accurate of the circumstances of the Rodeo environment and the treatment of animals at these events.

I would strongly support the passage of a By Law in the City of Hamilton which would prohibit the conduct of such events. To this end, The City of Hamilton already has a By Law disallowing the Keeping of various classes of animals in the City of Hamilton. Although I am not aware of any law in Canada preventing the conduct of Rodeos, this By Law might be extended to specifically address the prohibition of Rodeo, or similar events which are seen to be inappropriate in terms of the treatment or use of animals, subject to the guidance of the City Solicitor.

Attached for your further information is a copy of a submission of record to the Legislation Committee of January 13, 1987 which

clearly enunciates our position on Rodeos and our opposition thereto.

I trust these remarks will be helpful to the Legislation Committee.



"CELEBRATING 100 YEARS OF HUMANE SERVICE"
APRIL 1987

"we speak for those
who cannot
speak for themselves"

President
Dr. Ron Barr

January 13, 1987

Board of Directors
Dr. Larry Belbeck
Dr. Dudley Collins
Alderman Terry Cooke
Mrs. Doreen Dorian
Dr. Jon Francis
Mr. A.K. German
Mr. Lorne Haist
Mr. John Hedden
Mr. Grant Howell, O.C.
Mr. Ed Sandier
Mrs. Barbara Watson
Miss Edna Ambrose
Miss Betty White

The City of Hamilton
Parks and Recreation Committee

SUBJECT: RODEO IN HAMILTON

The Hamilton S.P.C.A. is a member of the Canadian Federation of Humane Societies (C.F.H.S.) and recognizes and supports the policy statements of the federation regarding rodeos. C.F.H.S. is opposed in principle to rodeo and is working towards the ultimate abolition of this activity. The Federation will actively pursue every means in its power to reduce and end suffering of animals used in rodeo events by opposing further proliferation of rodeos and rodeo events into regions where they are presently not held and/or not a tradition.

The Hamilton Area does not have a tradition of holding rodeos. We do not have a "wild west" mentality in our region that requires an exhibition of animal exploitation to take place. Popular rodeo events feature roping, tripping, dragging, and wrestling animals to the ground or tying ropes or straps around bulls' and horses' sensitive abdominal regions, then using electric cattle prods to shock them into giving exciting performances. Most rodeo audiences think that these events are good, clean family entertainment. They fail to see the injury, pain, torture, fear or harassment being inflicted upon the participating animals.

The Humane Society of the United States has opposed rodeos since the Society's founding in 1954. In their policy statement, they say "exposure of children to the atmosphere of violence in rodeos ... almost surely teaches them tolerance of inhumane treatment of animals in the name of the competition."

The Hamilton S.P.C.A. has an active Education Department in our community, teaching the public humane care for animals, and community responsibility.



the hamilton society for the prevention of cruelty to animals
headquarters & shelter - 658 parkdale avenue north, hamilton, ontario L8H 5Z4 - phone 547-1257
founded april 1, 1887.

The Hamilton S.P.C.A. opposes a rodeo being held in the City. If Council decides to go ahead with the event, we have some guidelines that we would expect to be followed.

Respectfully submitted

Carl Bandow
Inspector



"CELEBRATING 100 YEARS OF HUMANE SERVICE"
APRIL 1987

"we speak for those
who cannot
speak for themselves"

GUIDELINES FOR RODEO IN HAMILTON

President

Dr. Ron Barr

Board of Directors

Dr. Larry Beibeck

Dr. Dudley Collins

Alderman Terry Cooke

Mrs. Doreen Dustan

Dr. Jon Francis

Mr. A.K. German

Mr. Lorne Haist

Mr. John Headden

Mr. Grant Howell, Q.C.

Mr. Sid Sandler

Mrs. Barbara Watson

Miss Edna Whitbread

Miss Betty White

1. That a large animal Veterinarian be in attendance for all performances and events at the expense of the rodeo operator or City of Hamilton.
2. That Humane Society Officials be allowed free access to all areas where animals are used (chutes, etc.), kept, and housed.
3. That Humane Society Officials be given full co-operation from rodeo operators, employees, and participants.
4. The Humane Society receives a complete schedule of events and performances approximately 1 (one) week before rodeo dates, and a copy of the rules and description of events used by that particular rodeo association.
5. That animals for all events be inspected by the attending Veterinarian before the draw and no sore, lame, sick or injured animals or animals with defective eyesight be permitted in the draw at any time. Should any animal become sick or be injured between the time it is drawn and the time it is scheduled to be used in competition, that animal not be used in competition and another animal be drawn for the contestant.
6. That the attending Veterinarian examine, treat or recommend the disposal of any animal injured at any time. When destruction is recommended, it shall be carried out as soon as possible, under the supervision of the Veterinarian.
7. That the placing of fingers in the eyes, lips, or nose on any animal is forbidden.
8. That no animal be beaten, mutilated, or cruelly prodded at any time.
9. That a pen, corral, or truck bed be prepared to receive injured animals removed from the arena with an adequate bed of straw or other appropriate bedding laid down for their comfort.



the hamilton society for the prevention of cruelty to animals
headquarters & shelter - 658 parkdale avenue north, hamilton, ontario L8H 5Z4 - phone 547-1257
founded april 1, 1887.

10. That chutes, corrals, and alleyways be so constructed as to prevent injury to stock, and the arena shall be free to rocks, holes, and obstacles.
11. That contestants be disqualified from competing at that rodeo for any deliberate mistreatment of stock and that contestants are fully aware of sections 400 and 402 in the Criminal Code of Canada pertaining to cruelty to animals.

PREPARED BY

Carl Bandow

CARL BANDOW
INSPECTOR

FOR ACTION

3(a)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

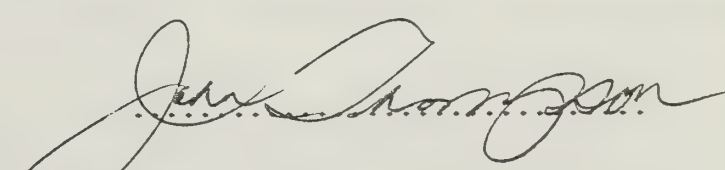
DATE: 1989 February 02
COMM FILE:
DEPT FILE:

SUBJECT:

Hamilton Power and Sail Squadron.

RECOMMENDATION:

That permission be granted to the Hamilton Power and Sail Squadron to use the City Hall Council Chambers on Wednesday, 1989 February 22 at 2:00 o'clock p.m. for a ceremony in honour of the 50th Anniversary of the inception of the Canadian Power and Sail Squadron.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

3161

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

DATE: 1989 February 02
COMM FILE:
DEPT FILE:

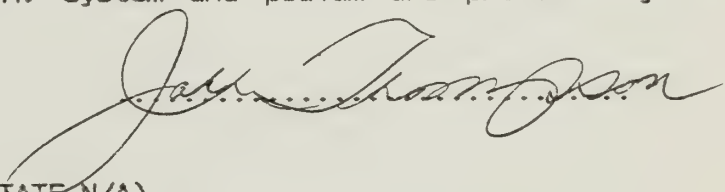
SUBJECT:

Salvation Army.

RECOMMENDATION:

- (a) That permission be granted to the Salvation Army (Hamilton Temple) to use the front canopy area of City Hall for their Summer Series of Outdoor Services each Sunday evening from 1989 June 18 to 1989 August 27.
- (b) That permission be granted to the Salvation Army to use 150 City Hall chairs and a piano.

Note: No staff time is required for "set up and removal" as this equipment is set aside on Friday evening and the members of the Salvation Army ensure that everything is properly set up and cleared away. The P.A. System and podium are provided by the church.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

3(c)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

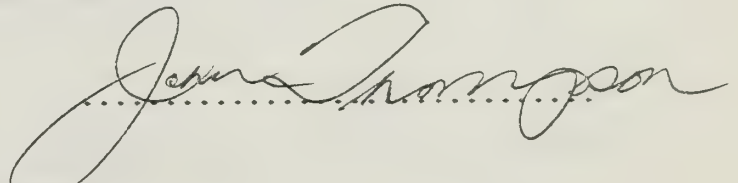
DATE: 1989 February 02
COMM FILE:
DEPT FILE:

SUBJECT:

Lithuanian Canadian Community, Hamilton Branch.

RECOMMENDATION:

That the request of the Lithuanian Canadian Community, Hamilton Branch for permission to fly the Lithuanian flag in commemoration of the independence of Lithuania from 1989 February 12 to February 16, be approved.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

3(a)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee


DATE: 1989 February 02
COMM FILE:
DEPT FILE:

SUBJECT:

Heart and Stroke Foundation of Ontario.

RECOMMENDATION:

That permission be granted to the Heart and Stroke Foundation of Ontario to fly their flag at City Hall during the month of February which has been proclaimed Heart and Stroke Month.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

JAN 31 1989

3(2)

FOR ACTION

REPORT TO: Mr. John Thompson
Legislation Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 Jan. 31
COMM FILE:
DEPT FILE: 226-0001

SUBJECT: PERMISSION TO DISPLAY HERITAGE DAY FLAG

RECOMMENDATION:

That the Ontario Heritage Foundation be permitted to display a Heritage Day Flag, in front of City Hall, on Monday, 1989 February 20 with the following message in both English and French:

"Ontario's Heritage
Take it to Heart"

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Ontario Heritage Foundation will provide the flag at no cost to the City of Hamilton in an effort to promote Heritage Day across the City.

The Minister of Culture and Communication will be present at the City's proclamation ceremony and the flying of this flag will mirror last year's Heritage Day Service held at Queen's Park to which Dr. Munro attended.

The Flag will be raised following a ceremony proclaiming February 20th as Heritage Day in Hamilton and as a kick off to a week of displaying heritage exhibits (1989 February 20-24).

ADMINISTRATION BUILDING
45 MUNSEE STREET NORTH
TEL: (416) 772-3324



REC

JA

CIT

CAYUGA, ONTARIO
N0A 1E0

January 25, 1989

City of Hamilton
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Attention: Mr. Ed Simpson

Dear Mr. Simpson:

The following resolution was passed by the Council of the Town of Haldimand on January 16, 1989:

WHEREAS the Hamilton Civic Airport is in a strategic position to service Southern Ontario with cargo and passenger service;

AND WHEREAS the Metropolitan Area of Hamilton boasts a population in excess of 500,000 people who will benefit from the use of this facility;


AND WHEREAS there is currently a critical over crowding occuring at Toronto International (Pearson) Airport which could be alleviated if Hamilton Civic Airport handled some of this traffic;

NOW THEREFORE be it resolved that the Council of the Corporation of the Town of Haldimand petitions the Minister of Transport to review the Federal Government policies to establish policies to enhance the operation and facilities at Hamilton Civic Airport to encourage better utilization of this excellent facility for the benefit of the industry and population within the greater Hamilton Metropolitan Area.

AND FURTHER THAT this resolution be forwarded to our Minister of Transportation Canada, Minister of Transportation of Ontario, our Federal and Provincial Members of Parliament, to A.M.O., F.C.M. and all Municipalities in the Region of Hamilton Wentworth, the Region of Niagara and the Region of Haldimand-Norfolk.

Council respectfully requests your endorsement of this resolution. Would you kindly send a copy of your Council's supporting resolution to Transport Canada and the Ministry of Transportation of Ontario, with a copy to our office.

Yours truly,

A handwritten signature in cursive script, appearing to read "Janis Lankester".

Janis Lankester
Clerk

JL/cw

SUMMARY OF 1989 EXPENDITURE ESTIMATES OF THOSE BUDGETS TO BE REVIEWED BY THE LEGISLATION COMMITTEE

Description (1)	1988 Projected Actual (2)	1988 Estimate (3)	Adjustment to 1988 Estimate (Increase (Decrease)) (4)	Inflationary Cost (5)	Expansion Service Level (6)	1989 Original Estimate (3+4+5+6) (7)	Council/ Committee Adjustment (Increase (Decrease)) (8)	1989 Resultant Appropriation (7+8) (9)	Increase (Decrease) Over 1988 Estimate	
									Amount (9-3) (10)	Percent (10/3) (11)
LEGISLATIVE P. 1-14	1,118,070	1,131,620	49,550	42,500	6,450	1,230,140		1,230,140	98,520	8.7%
CITY CLERK P. 15-37	2,368,593	2,441,880	42,000	81,880	137,130	2,702,890		2,702,890	261,010	10.7%
SUBTOTAL	3,486,660	3,573,500	91,550	124,380	143,590	3,933,030	0	3,933,030	359,530	10.1%
FILM ADVISORY COMMITTEE		7,500				7,500		7,500	0	0.0%
MUNDIALIZATION COMMITTEE P. 38,39	3,820	3,820	1,190			5,010		5,010	1,190	31.2%
STATUS OF WOMEN P. 40	6,100	9,720	1,550	480		11,750		11,750	2,030	20.9%
CIVIC AWARDS, RECEPTIONS, P. 41 DELEGATION HOSTINGS	37,000	49,250	1,000			50,250		50,250	1,000	2.0%
TOTAL LEGISLATION COMMITTEE	3,533,580	3,643,790	95,300	124,860	143,590	4,007,540	0	4,007,540	363,750	10.0%

5.

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 January 06

Chairman and Members Legislation Committee

Submitted herewith are the 1989 Estimates for the City Clerk's Department submitted in two packages (City Clerk's and Legislative).

The City Clerk's Department consists of sixty-nine permanent employees and one position under contract to the Mayor.

The City Clerk's Department Estimates have been prepared under the following headings which reflect the duties and responsibilities of this department.

Administration

Licence Section

Election

Information Bureau

Service Station - Mail and Printing

Switchboard

Hamilton Farmers Market

Advertising and Publicity

Quarter Century Club

During preparation of the Estimates, every attempt was made to limit individual account requirements to the lowest possible level. Where possible, some accounts have been lowered below 1988 levels and others, where we have no control may have substantial increases over 1988.

The net budget request for the City Clerk's Department is \$2,702,890.00 which is a 10.7% increase over 1988. In accordance with the budget guidelines, the following service/program packages totalling \$137,130.00 have been prepared which represents 5.6% of our increase.

<u>Description</u>	<u>Amount</u>
Additional Licencing Staff and Equipment	\$ 83,070.
Automotive Equipment - No-Smoking By-law Enforcement	\$ 11,000.
Repairs and Maintenance - Farmers Market Washroom	\$ 8,000.
Office Equipment - Service Section	\$ 28,460.
Furnishings - Farmers Market Office	\$ 2,500.
Alterations - Paper Supply Room	\$ 2,100.
Fax Machine	\$ 2,000.

LEGISLATION

The Legislative budget has been prepared under the following headings which reflect the financial requirements of the Mayor and Alderman.

Mayor's Office

Aldermen's Office (Administration Support Services)

Motor Vehicle Operation

City Hall Annual Open House

City of Hamilton Memberships

Outside Groups

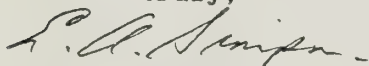
The net budget request for the Legislative Section \$1,230,140.00 which is a 8.7% increase over 1988. In accordance with the budget guidelines, the following service/program packages totalling \$6,460.00 have been prepared which represents 0.6% of the increase.

N

1989 Estimates cont....
City Clerk's Department
Page 3

<u>Description</u>	<u>Amount</u>
Purchasing and servicing of photocopier	\$ 3,000.
Eight additional Spectator subscriptions	\$ 960.
Office furnishings - Aldermens offices	\$ 2,000.
Picture Frames	\$ 500.

Yours truly,



E. A. Simpson
City Clerk

EAS/SGH/ejw

W

CITY OF HAMILTON
TREASURY

1989 COMPARATIVE STATEMENT OF ESTIMATES - SUMMARY

CITY CLERK'S DEPARTMENT

ACTUAL 1987 (1)	PROJECTED ACTUAL 1988 (2)	ESTIMATE 1988 (3)	ACCOUNT NUMBER (4)	DESCRIPTION (5)	ORIGINAL ESTIMATE 1989 (6)	ADJUSTMENT INCREASE + DECREASE - (7)	APPROPRIA- TION 1989 (6+7) (8)	AMOUNT (8-3) (9)	PERCENT (9/3) (10)	INCREASE + DECREASE - OVER 1988 ESTIMATE
2,260,053	2,368,590	2,441,880	0322	EXPENDITURES - CLERKS	2,702,890		2,702,890	261,010	10.7%	
956,789	1,118,070	1,131,620	0321	- LEGISLATIVE	1,230,140		1,230,140	98,520	8.7%	
3,216,842	3,486,660	3,573,500			3,933,030		3,933,030	359,530	10.1%	
1,186,891	1,313,630	1,175,720		REVENUES	1,000,170		1,000,170	(175,550)	-14.9%	
2,029,951	2,173,030	2,397,780		NET CITY CLERK AND LEGISLATIVE	2,932,860		2,932,860	535,080	22.3%	

P.5

P.16-30

P.7-

10

CITY OF HAMILTON
TREASURY

1989 BUDGET REVENUE ESTIMATES - DETAIL

CITY CLERKS

ACCOUNT NUMBER	DESCRIPTION	PROJECTED 1988 ACTUAL	1988 ESTIMATE	ADJUSTMENT TO 1988 ESTIMATE INCREASE + DECREASE -	INFLA- TIONARY COST	EXPANSION SERVICE LEVEL	1989 ORIGINAL ESTIMATE (4+5+6+7)	COMMITTEE ADJUSTMENT INCREASE + DECREASE -	1989 RESULTANT APPROPRIA- TION	INCREASE + DECREASE - OVER 1987 ESTIMATE	PERCENT (11/4)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
CITY CLERKS											
	P.4										
0304 03	GENERAL LICENSES	906,000	773,000	(190,230)			582,770		582,770	(190,230)	-24.6%
06	MARRIAGE LICENSES	41,230	35,000				35,000		35,000		
0306 03	MARKET RENTAL FEES	365,800	367,120	14,680			381,800		381,800	14,680	4.0%
0315 10	RECOVERIES - INSURANCE										
	PREMIUMS - TAX										
	REGISTRATION	600	600				600		600		
	TOTAL CITY CLERKS	1,313,630	1,175,720	(175,550)			1,000,170		1,000,170	(175,550)	-14.9%

1989 CURRENT ESTIMATES

STATEMENT OF PURPOSE AND STAFFING

INTRODUCTORY FORM
REV. 08/88

FOR THE LEGISLATIVE (DEPT./LOCAL BOARD)

1. PURPOSE/OBJECTIVES

- 01 - Mayor's Office
Provide all supplies and services required by the Mayor in the performance of his duties.
- 02 - Aldermen's Offices (Direct Charges)
Provides those services and funds those expenses attributed directly to the Aldermen in the performance of their duties.
- 03 - Aldermen's Offices (Administrative Support Services)
Provides staff, supplies and equipment in support of Aldermen.
- 05 - City Hall Open House
Funds some expenses to hold the annual Open House.
- 06 - City of Hamilton Memberships
Funds memberships in the Association of Municipalities of Ontario.
- 07 - Outside Groups
Provides staff and sound equipment services to charitable and non-profit groups using the City Hall for various activities.

2. PROJECTED MAJOR PROGRAM/ORGANIZATIONAL
CHANGES DURING THE PERIOD 1989-1991

3. STAFFING (FTE'S) (NUMBER OF VACANCIES INCLUDED IN "PERMANENT" POSITIONS BELOW IS)

	P E R M A N E N T				T E M P O R A R Y				T O T A L			
	Present 1988	Projected 1989	Incr. + Decr. -		Present 1988	Projected 1989	Incr. + Decr. -		Present 1988	Projected 1989	Incr. + Decr. -	
Salary Wage	13	13							13	13		
	13	13							13	13		

NOTE: PLEASE SEE REVERSE SIDE, FOR SUGGESTIONS ON COMPLETING THIS FORM

6

DATE 01/31/89

LEGISLATIVE

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PG# NO. PBPYBL34

ACCOUNT

ACCOUNT	DESCRIPTION	PROJECTED 1988 ACTUAL (3)	1988 ESTIMATE (4)	ESTIMATE TO 1988 INCREASE+ DECREASE- (5)	INFLA- TIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	1989 ORIGINAL ESTIMATE (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	1989 RESULTANT APPROPRIA- TION (10)	INCREASE + DECREASE - OVER 1988 ESTIMATE (11)	PAGE PERCENT (12)
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0321

LEGISLATIVE

01 MAYOR'S OFFICE

01	SALARIES AND WAGES	186,870	197,240	5,220+	7,500		209,960		209,960	12,720+	6.4+
02	TEMPORARY HELP-OUTSIDE AGENCIES	910	1,200				1,200		1,200		
03	EMPLOYEE BENEFITS	22,480	25,590	2,030+	730		28,350		28,350	2,760+	10.8+
11	TELEPHONES	1,950	2,000	340+	60		2,400		2,400	400+	20.0+
16	POSTAGE	1,380	2,620	620-			2,000		2,000	620-	23.7-
21	OFFICE SUPPLIES AND STATIONERY	2,970	3,910				3,910		3,910		
29	PICTURE FRAMES AND CAMERA SUPPLIES	5,650	5,000	550+	450		6,000		6,000	1,000+	20.0+
31	REPAIRS AND MAINTENANCE- EQUIPMENT	510	550				550		550		
42	INSURANCE-A.D.&D. (MAYOR)	40	40				40		40		
46	RENTALS	38,720	26,000	7,830+	1,170		35,000		35,000	9,000+	34.6+
50	LOCAL GRANTS	6,000	6,000	1,000+			7,000		7,000	1,000+	16.7+
81	RENTAL-CAR POOL	40	160	60-			100		100	60-	37.5-
90	RENTAL-CABLE FOR MAYOR'S OFFICE	180	100	80+	20		200		200	100+	100.0+
91	TRAVELLING	5,120	7,000	3,000+			10,000		10,000	3,000+	42.9+
92	CAR ALLOWANCE	120	120	40+	40		200		200	80+	66.7+
93	MEMBERSHIPS AND SUBSCRIPTIONS	560	1,090				1,090		1,090		
94	TRAINING COURSES	340	600	220-			380		380	220-	36.7-
96	MEETING EXPENSES	4,500	4,500	1,000+			5,500		5,500	1,000+	22.2+

DATE 01/31/89

LEGISLATIVE

THE CORPORATION OF THE CITY OF HAMILTON

PGM NO. POPYBL34

TREASURY

EXPENDITURE ESTIMATES

PAGE

1989 BUDGET WORKSHEET - FORM NO. 1

ACCOUNT

ADJUSTMENT

1989

1989

INCREASE
DECREASE
OVER 1988
ESTIMATE

8

ACCOUNT	PROJECTED 1988 ACTUAL (3)	ESTIMATE 1988 (4)	ESTIMATE INCREASE+ DECREASE- (5)	INFLA- TIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	ORIGINAL ESTIMATE (4+5+6+7) (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	RESULTANT APPROPRIA- TION (8+9) (10)	AMOUNT (10-4) (11)	PERCENT (11/4) (12)
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0321 **LEGISLATIVE**

01 MAYOR'S OFFICE

ACTIVITY TOTALS	278,340	283,720	20,190+	9,970		313,680		313,680	30,160+	10.6+
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02 ALDERMEN'S OFFICES
(DIRECT CHARGES)

01 SALARIES	270,550	279,050	440+	11,740		291,230		291,230	12,180+	4.4+
03 EMPLOYEE BENEFITS	37,090	35,710	560-	750		35,900		35,900	190+	.5+
42 INSURANCE	720	640				640		640		

81 RENTAL-CAR POOL	20	170				170		170		
91 TRAVELLING	25,200	26,330		1,190		27,520		27,520	1,190+	4.5+
92 CAR ALLOWANCE		100				100		100		
93 MEMBERSHIPS AND SUBSCRIPTIONS	1,340	2,040		220		3,220		3,220	1,180+	57.8+

94 TRAINING COURSES			1,000+			1,000		1,000	1,000+	
96 MEETING EXPENSES	2,190	1,400	790+	100		2,290		2,290	890+	63.6+
ACTIVITY TOTALS	337,110	345,440	1,670+	14,000		362,070		362,070	16,630+	4.8+

03 ALDERMEN'S OFFICES
(ADMINISTRATIVE SUPPORT
SERVICES)

01 SALARIES AND WAGES	251,910	257,260	19,510+	9,010		285,780		285,780	28,520+	11.1+
03 EMPLOYEE BENEFITS	46,180	46,680	2,070+	1,180		49,930		49,930	3,250+	7.0+
11 TELEPHONES	3,200	3,200		150		3,350		3,350	150+	4.7+

DATE 01/31/89

LEGISLATIVE

THE CORPORATION OF THE CITY OF HAMILTON

PGM NO. P3PYBL34

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PAGE

ADJUSTMENT

TO 1988

1989

RESULTANT

INCREASE +
DECREASE -
OVER 1988
ESTIMATEACCOUNT
A D D
C H F
DEPT T J F
(1)DESCRIPTION
(2)PRODUCED
1988
ACTUAL
(3)ESTIMATE
1988
(4)ESTIMATE
INCREASE+
DECREASE-
(5)INFLA-
TIONARY
COST
(6)EXPANSION
SERVICE
LEVEL
(7)ORIGINAL
ESTIMATE
(8)ADJUSTMENT
INCREASE+
DECREASE-
(9)APPROPRIA
TION
(10)AMOUNT
(10-4)
(11)PERCENT
(11/4)
(12)

0321 **LEGISLATIVE**

03 ADMINISTRATIVE OFFICES
(ADMINISTRATIVE SUPPORT
SERVICES)

16	POSTAGE	19,090	12,600	6,490+	580	19,670	19,670	7,070+	56.1+
21	OFFICE SUPPLIES AND STATIONERY	7,360	7,630		350	7,980	7,980	350+	4.6+

29	PICTURE FRAMES				500	500	500	500+	
31	REPAIRS AND MAINTENANCE- EQUIPMENT	1,460	1,530		60	1,590	1,590	60+	3.9+

71	OFFICE EQUIPMENT -PHOTOCOPIER	370	370	370-		2,000	2,000	1,630+	440.5+
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74	OFFICE FURNISHINGS -VARIOUS				2,000	2,000	2,000	2,000+	
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83	RENTAL-OFFICE EQUIPMENT				1,000	1,000	1,000	1,000+	
90	RENTAL-CABLE TV	130	160			160	160		

ACTIVITY TOTALS		329,700	329,430	27,700+	11,330	5,500	373,960	373,960	44,530+
									13.5+

04 MOTOR VEHICLE OPERATION

81	RENTAL-CAR POOL	159,000	159,000		6,520	165,520	165,520	6,520+	4.1+
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ACTIVITY TOTALS		159,000	159,000		6,520	165,520	165,520	6,520+	4.1+
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9

DATE 01/31/89

LEGISLATIVE

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. 00000034

PAGE

INCREASE
OVER 1988
ESTIMATE

+ 10

ADJUSTMENT

TO 1988

1989

RESULTANT
APPROPRIA
TIONINCREASE
OVER 1988
ESTIMATE

+ 10

DEPT
(1)DESCRIPTION
(2)PROJECTED
1988
ACTUAL
(3)ESTIMATE
(4)ESTIMATE
INCREASE+
DECREASE-
(5)INITIAL
COST
(6)EXPANSION
SERVICE
LEVEL
(7)ORIGINAL
ESTIMATE
(4+5+6+7)
(8)ADJUSTMENT
INCREASE+
DECREASE-
(9)RESULTANT
APPROPRIA
TION
(8+9)
(10)AMOUNT
(10-4)
(11)PERCENT
(11/4)
(12)

0321

LEGISLATIVE

05

CITY HALL
ANNUAL OPEN HOUSE

60

SERVICES AND SUPPLIES

1,890

2,000

2,000

2,000

ACTIVITY TOTALS

1,890

2,000

2,000

2,000

06

CITY OF HAMILTON
MEMBERSHIPS

93

MEMBERSHIPS AND
SUBSCRIPTIONS (A.M.O.)

8,530

8,530

520

9,050

9,050

520+

6.1+

ACTIVITY TOTALS

8,530

8,530

520

9,050

9,050

520+

6.1+

07

OUTSIDE GROUPS

60

USE OF CITY HALL
FACILITIES AND EQUIPMENT

3,500

3,500

160

3,660

3,660

160+

4.6+

ACTIVITY TOTALS

3,500

3,500

160

3,660

3,660

160+

4.6+

TOTAL BUDGET REQUEST

1,118,070

49,560+

6,460

1,230,140

1,230,140

98,520+

P-4

1,131,620

42,500

1,230,140

1,230,140

8.7+

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0321-0371 and 0383
3. CONSIDERATIONS: (A) AMOUNT \$3 000 p. 9
- (B) EFFECTIVE DATE January 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Purchase and servicing of one photocopier.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The photocopier is already in use in the Aldermen's Offices and has been for some time. It must be purchased or returned to the supplier.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

Yes. The City Clerk's Department budget would have to be increased to provide for increased use of their photocopier by the Aldermanic Staff.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

City Clerk's Department photocopier.

8. PACKAGE RANKING BY - DEPT./BOARD: 1 OF 4
- COMMITTEE : OF

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0321-0293
3. CONSIDERATIONS: (A) AMOUNT \$960 P. 8
- (B) EFFECTIVE DATE April 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Eight additional Spectator subscriptions for the Aldermen.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?

(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The sixteen Aldermen will have to continue to share the current eight Spectator subscriptions.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

PACKAGE RANKING BY - DEPT./BOARD: 2 OF 4

- COMMITTEE : OF

12

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0321-0374
3. CONSIDERATIONS: (A) AMOUNT \$2 000 p. 9
- (B) EFFECTIVE DATE April 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Office furnishings - To provide for the purchase of various office furnishings (ie: bookcases, shelves, chairs, lamps, etc.) for the Aldermen's Offices during 1989.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?

(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The Aldermen will be unable to order any furnishings for their offices in 1989.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 3 OF 4
- COMMITTEE : OF

13

CITY OF HAMILTON

FORM 6
REV. 08/881989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0321-0329
3. CONSIDERATIONS: (A) AMOUNT \$500 p. 9
(B) EFFECTIVE DATE April 1, 1989
(C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
(D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Picture Frames - To provide for framing of various pictures for the Aldermen in 1989.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The Aldermen will be unable to have any pictures framed.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 4 OF 4
- COMMITTEE : OF

114

1989 CURRENT ESTIMATES

STATEMENT OF PURPOSE AND STAFFING

INTRODUCTORY FORM
REV. 08/88

FOR THE

CITY CLERKS

(DEPT./LOCAL BOARD)

1. PURPOSE/OBJECTIVES

To provide services and assistance to City Council, its Committees and the general public; and perform all functions required of the City Clerk by the Municipal Act:-

- (1) Provide secretarial services to City Council, Executive Committee, Standing Committees, Sub-Committees and Special Purpose Committees.
- (2) Administer the Records Management Programme.
- (3) Process and administer municipal licences.
- (4) Provide information services.
- (5) Register births and deaths.
- (6) Provide Switchboard services.
- (7) Provide relief personnel to the Mayor's Office, Aldermen's Offices, Chief Administrative Officer's Office, Information Desk and Switchboard.
- (8) Conduct Municipal Elections.
- (9) Provide printing and mail services for the City and Region.
- (10) Administer the Hamilton Farmers' Market.
- (11) Co-ordinate City advertising.
- (12) Administer City Insurance Programme.
- (13) Administer various bus pass programmes and Tax Rebate Programme.
- (14) Co-ordinate civic receptions and functions.
- (15) Co-ordinate Quarter Century Club Banquet.
- (16) Co-ordinate all commercial film making activities in the City of Hamilton.
- (17) Administer and enforce the No-Smoking By-law.

2. PROJECTED MAJOR PROGRAM/ORGANIZATIONAL CHANGES DURING THE PERIOD 1989-1991

Development of a Central Records Management Programme for all civic departments, administered by the City Clerk's Department.

3. STAFFING (FTE'S) (NUMBER OF VACANCIES INCLUDED IN "PERMANENT" POSITIONS BELOW IS)

Salary Wage	P E R M A N E N T			T E M P O R A R Y			T O T A L		
	Present 1988	Projected 1989	Incr. + Decr. -	Present 1988	Projected 1989	Incr. + Decr. -	Present 1988	Projected 1989	Incr. + Decr. -
57		61	4				57	61	4

NOTE: PLEASE SEE REVERSE SIDE FOR SUGGESTIONS ON COMPLETING THIS FORM

15

DATE 01/31/89

**CITY CLERKS DEPARTMENT*

THE CORPORATION OF THE CITY OF HAMILTON

PGM NO. PBPYBL34

TREASURY

EXPENDITURE ESTIMATES

PAGE

1989 BUDGET WORKSHEET - FORM NO. 1

ADJUSTMENT

TO 1988

INCREASE +

DECREASE -

OVER 1988

ESTIMATE

16

DEPT (1)	DESCRIPTION (2)	PROJECTED 1988 ACTUAL (3)	ESTIMATE 1988 (4)	ESTIMATE INCREASE+ DECREASE- (5)	INFLA- TIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	1989 ORIGINAL ESTIMATE (4+5+6+7) (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	1989 RESULTANT APPROPRIA- TION (8+9) (10)	AMOUNT (10-4) (11)	PERCENT (11/4) (12)
0322	**CITY CLERKS DEPARTMENT*										
01	ADMINISTRATION										
01	SALARIES AND WAGES	719,760	744,320	5,800+	25,640		775,760		775,760	31,440+	4.2+
02	TEMPORARY HELP-OUTSIDE AGENCIES	27,000	38,870				38,870		38,870		
03	EMPLOYEE BENEFITS	124,280	132,180	10,450-	3,220		124,950		124,950	7,230-	5.5-
11	TELEPHONES	2,310	2,000	310+	110	140	2,560	0.37	2,560	560+	28.0+
16	POSTAGE	30,490	43,580	9,180-			34,400		34,400	9,180-	21.1-
21	OFFICE SUPPLIES AND STATIONERY	33,610	38,880			300	39,180	0.37	39,180	300+	.8+
29	COUNCIL MINUTES AND HANDBOOK		350	3,000+			3,350		3,350	3,000+	857.1+
31	REPAIRS AND MAINTENANCE- EQUIPMENT	3,280	3,210	70+	150		3,430		3,430	220+	6.9+
50	PROVISION FOR SERVICING AND REPLACEMENT OF CALCULATORS	30	30				30		30		
60	CERTIFICATES OF RECOGNITION			1,000+			1,000		1,000	1,000+	
62	PRINTING ZONING MAPS	4,140									
71	OFFICE EQUIPMENT	1,560	1,560	1,960+			3,520		3,520	1,960+	125.6+
(01) 1	CHAIR			300+			300		300	300+	
(02)	PAPER CONTROL UNITS (14)- ATTACHMENTS FOR WORK- STATIONS			2,360+			2,360		2,360	2,360+	
(03)	PENCIL DRAWER INSERTS FOR WORKSTATIONS			860+			860		860	860+	
91	RENTAL-CAR POOL	1,960	2,080		90		2,170		2,170	90+	4.3+

DATE 01/31/89

**CITY CLERKS DEPARTMENT*

THE CORPORATION OF THE CITY OF HAMILTON

PGM NO. PBPTBL34

PAGE

17

ACCOUNT

DEPT (1)	DESCRIPTION (2)	PROJECTED 1988 ACTUAL (3)	1988 ESTIMATE (4)	ESTIMATE INCREASE+ TO 1988 DECREASE- (5)	INFLATIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	ORIGINAL ESTIMATE (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	RESULTANT APPROPRIATION (10)	INCREASE+ OVER 1988 ESTIMATE (11)	PERCENT (12)
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0322

**CITY CLERKS DEPARTMENT*

01 ADMINISTRATION

83	RENTAL-OFFICE EQUIPMENT	15,460	18,600	3,370-		1,560	16,790	P.37	16,790	1,810-	9.7-
87	RENTAL-OTHER FACILITIES	3,080	5,000	1,000-			4,000		4,000	1,000-	20.0-
91	TRAVELLING	750	2,480	2,580+			5,060	P.18	5,060	2,580+	104.0+
93	MEMBERSHIPS AND SUBSCRIPTIONS	3,540	3,540	230+			3,770		3,770	230+	6.5+
94	TRAINING COURSES	1,010	2,110	4,440+			6,550		6,550	4,440+	210.4+
96	MEETING EXPENSES	50	50				50		50		
99	RECOVERY FROM SALE OF BY-LAWS	5,130-									
	ACTIVITY TOTALS	967,180	1,038,840	4,610-	29,210	2,000	1,065,440		1,065,440	20,600+	2.6+

02 LICENSE SECTION

01	SALARIES AND WAGES	338,340	344,690	67,140+	14,250	55,300	481,380		481,380	136,690+	39.7+
(00)	EXISTING STAFF	338,340	344,690	67,140+	14,250		426,080		426,080	81,390+	23.6+
(01)	2 STENOGRAPHER II (MAY 1)					23,600	23,600		23,600	23,600+	
(02)	LICENCE CLERK (MAY 1)					13,640	13,640		13,640	13,640+	
(03)	INSPECTOR (MAY 1)					18,060	18,060		18,060	18,060+	
02	TEMPORARY HELP			22,690+			22,690		22,690	22,690+	
03	EMPLOYEE BENEFITS	61,310	59,390	12,300+	1,280	9,950	82,920		82,920	23,530+	39.6+
11	TELEPHONES	1,030	1,000		50		1,050		1,050	50+	5.0+
16	POSTAGE			3,600+			3,600		3,600	3,600+	
21	OFFICE SUPPLIES AND STATIONARY			9,500+			9,500		9,500	9,500+	

CITY OF HAMILTON
TREASURY

0322-0191

FORM NO. 5

1989 SCHEDULE OF CONVENTIONS AND CONFERENCES

City Clerk's
DEPARTMENT/ LOCAL BOARD
January 6, 1989

DATE

NAME OF EVENT	PLACE TO BE HELD	DATES OF EVENT	PROPOSED TO ATTEND (NAME AND POSITION)	ESTIMATED COST
A.M.C.T. Conference	Kitchener, Ontario	June 18-21/89	Mr. J. J. Schatz	\$ 750
Insurance Meetings	Various Locations	Various Times	Mr. E. A. Simpson	200
CANUSA GAMES Meetings	Various Locations	Various Times	Mr. R. C. Prowse	500
International Games Conference	Indianapolis, Indiana	September 28-October 01 /89	Mr. R. C. Prowse	1,000
International Institute of Municipal Clerks	Halifax, Nova Scotia	May 21-25/89	Mr. K. E. Avery	1,830
A.M.C.T. Zone Meetings	Various Locations	Various Times	Various Staff	280
Miscellaneous Travel				500
TOTAL OBJECT 91 - "TRAVELLING"				\$5,060 P.17

FORM NO. 3

CITY CLERK'S

DEPARTMENT/LOCAL BOARD

Two views of a small, dark, elongated object, possibly a bone or artifact, with a central hole. The top view shows a straight, slightly tapered rod. The bottom view shows the same object from a side angle, highlighting its curved shape and the central hole.

January 6, 1989

DATE _____

[illegible]

\$55,300

p. 17

DATE 01/31/89

CITY CLERKS DEPARTMENT

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. PBPYBL34

PAGE

INCREASE +
DECREASE -
OVER 1988 ESTIMATE

20

ACCOUNT

A 0 0 0
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D E P T
(1)DESCRIPTION
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(3)ESTIMATE
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(4)ADJUSTMENT
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DECREASE-
(5)INFLA-
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COST
(6)EXPANSION
SERVICE
LEVEL
(7)1989
ORIGINAL
ESTIMATE
(8)ADJUSTMENT
INCREASE+
DECREASE-
(9)1989
RESULTANT
APPROPRIA-
TION
(10)AMOUNT
DECREASE
(10-4)
PERCENT
ESTIMATE
(11/4)
(12)

0322 *CITY CLERKS DEPARTMENT*

02 LICENSE SECTION

23 LICENSE PLATES

2,940

2,940

140

3,080

3,080

140+

4.8+

27 UNIFORMS, CLOTHING, AND
ACCESSORIES

340

340

120+

20

480

480

140+

41.2+

31 REPAIRS AND MAINTENANCE-
EQUIPMENT

200+

200

200

200+

33 REPAIRS AND MAINTENANCE-
BUILDING

28,000

500

2,000+

2,500

2,500

2,000+ 400.0+

35 REPAIRS AND MAINTENANCE-
RADIO EQUIPMENT

820

1,000

400+

1,400

1,400

400+ 40.0+

50 PROVISIONS FOR SERVING
AND REPLACEMENT OF
CALCULATORS

60

60

60

60

51 EXAMINERS FEES

7,750

9,000

9,000-

500

500

9,000-

59 FEES-OTHER

110

500

500

500

9,000-

71 OFFICE EQUIPMENT

10,300

1,300+

1,300

1,300

1,300+

72 AUTOMOTIVE EQUIPMENT

2,000

11,000

11,000

11,000

11,000

11,000+

73 RADIO EQUIPMENT

2,000

2,000

2,000

2,000

2,000

2,000+

61 RENTAL-CAR POOL

30,970

30,040

4,970+

1,240

4,470

40,720

10,680+ 35.6+

63 RENTAL-OFFICE EQUIPMENT

1,800+

1,800+

1,800

1,800

1,800

1,800+

84 RENTAL-COMPUTER EQUIPMENT

1,600+

1,600+

1,600

1,600

1,600

1,600+

91 TRAVELLING

1,720

1,720

1,780+

3,500

3,500

1,780+

103.5+

93 MEMBERSHIPS AND
SUBSCRIPTIONS

1,480

1,480

290-

1,190

1,190

290-

19.6-

94 TRAINING COURSES

470

1,300

530+

350

2,180

2,180

880+ 67.7+

96 MEETING EXPENSES

70

250

750+

1,000

1,000

880+ 67.7+

750+ 300.0+

CITY OF HAMILTON
TREASURY

0322-0291

FORM NO. 5

1989 SCHEDULE OF CONVENTIONS AND CONFERENCES

City Clerk's
DEPARTMENT/ LOCAL BOARD
January 6, 1989

21

NAME OF EVENT	PLACE TO BE HELD	DATES OF EVENT	PROPOSED TO ATTEND (NAME AND POSITION)	ESTIMATED COST
Municipal Law Enforcement Officers Conference	Toronto, Ontario	September 11-15	Mr. S. Dembe Mr. R. Day (full registration) Four licence inspectors (day attendance only)	\$1,500
International Taxi Cab Conference	San Diego, California	November 15-19	Mr. S. Dembe	\$2,000
TOTAL OBJECT 91 - "TRAVELLING"				\$3,500 P.20

DATE 01/31/89

**CITY CLERKS DEPARTMENT*

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. PRPYBL34

PAGE 8

ADJUSTMENT

10 1988

10 1988

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INCREASE +
DECREASE -
OVER 1988
ESTIMATE
22AMOUNT PERCENT
(10-4) (11/4)
(11) (12)1989
RESULTANT
(8+9) (10)1989
ADJUSTMENT
(9)1989
INCREASE+
DECREASE-1989
ORIGINAL
ESTIMATE1989
EXPANSION
LEVEL1989
SERVICE
(4+5+6+7)1989
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INFLATIONARY
COST

0322 **CITY CLERKS DEPARTMENT*

02 LITIGANT SECTION

97 RECOVERY OF TRADES LICENCE
ADMINISTRATION-FROM THE
REGION

98 PHOTO - IDENTIFICATION

99 RECOVERY - IDENTIFICATION
COST

ACTIVITY TOTALS

490,100 454,210 54,650+ 16,980 83,070 608,910 608,910 154,700+ 34.1+

03 ELECTION

01 SALARIES AND WAGES

02 TEMPORARY HELP

03 EMPLOYEE BENEFITS

11 TELEPHONES

12 ADVERTISING

16 POSTAGE

18 CONTRACTUAL SERVICES

21 OFFICE SUPPLIES AND
STATIONERY41 SALES TAX ON PRINTING AND
SUPPLIES

71 OFFICE EQUIPMENT

83 RENTAL-OFFICE EQUIPMENT

84 RENTAL-COMPUTER EQUIPMENT

18,800 17,000 4,910+ 660 22,570 22,570 5,570+ 32.8+

195,240 145,700 145,700- 1,170+ 60 2,230 2,230 145,700-

1,180 1,000 1,170+ 60 2,230 2,230 1,230+ 123.0+

260 1,000 1,000- 1,000- 1,000- 1,000- 1,000- 1,000-

6,540 5,000 5,000- 5,000- 5,000- 5,000- 5,000- 5,000-

39,130 40,000 40,000- 40,000- 40,000- 40,000- 40,000- 40,000-

4,250 10,300 10,300 330 10,630 10,630 330+ 3.2+

63,350 60,000 59,000- 1,000 1,000 59,000- 98.3-

8,300 8,300 8,300 1,600+ 1,600 1,600 1,600+ 10,000-

400 400 400 1,600+ 1,600 1,600 1,600+ 1,600+

2,400 10,000 10,000- 1,600+ 1,600 1,600 1,600+ 10,000-

2,400 10,000 10,000- 1,600+ 1,600 1,600 1,600+ 10,000-

2,400 10,000 10,000- 1,600+ 1,600 1,600 1,600+ 10,000-

2,400 10,000 10,000- 1,600+ 1,600 1,600 1,600+ 10,000-

2,400 10,000 10,000- 1,600+ 1,600 1,600 1,600+ 10,000-

2,400 10,000 10,000- 1,600+ 1,600 1,600 1,600+ 10,000-

2,400 10,000 10,000- 1,600+ 1,600 1,600 1,600+ 10,000-

DATE 01/31/89

**CITY CLERKS DEPARTMENT*

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PAGE

PGM NO. PAPRNL34

ACCOUNT

A D D
C B E
DEPT 1 J T
(1)DESCRIPTION
(2)PROJECTED
1988
ACTUAL
(3)ESTIMATE
1988
(4)ADJUSTMENT
TO
1988
ESTIMATE
INCREASE+
DECREASE-
(5)INFLA-
TIONARY
COST
(6)EXPANSION
SERVICE
LEVEL
(7)ORIGINAL
ESTIMATE
(8)ADJUSTMENT
INCREASE+
DECREASE-
(9)RESULTANT
1989
APPROPRIA
TION
(10)AMOUNT
OVER
1988
ESTIMATE
(11)PERCENT
INCREASE +
DECREASE -
(12)

0322

**CITY CLERKS DEPARTMENT*

03 ELECTION

87 RENTAL-POLLING PLACES

5,240

20,000

20,000-

91 TRAVELLING

13,600+

13,600+

13,600

P.24

13,600

13,600+

10,000+

98 RECOVERIES-AREA
MUNICIPALITIES

20,680-

10,000-

10,000+

99 FINANCING FROM RESERVE FOR
ELECTION (0377-1098)

300,000-

248,370+

51,630-

51,630-

248,370+

82.8+

ACTIVITY TOTALS

24,410

1,050-

1,050

04 INFORMATION BUREAU

01 SALARIES AND WAGES

113,360

116,250

410+

4,070

120,730

120,730

44,480+

3.9+

03 EMPLOYEE BENEFITS

21,710

21,770

700+

590

23,060

23,060

1,290+

5.9+

93 MEMBERSHIPS AND
SUBSCRIPTIONS

350

370

370

99 RECOVERY OF COSTS FOR
EMERGENCY ANSWERING
SERVICES-FROM REGION

73,580-

66,650-

5,750-

72,400-

72,400-

5,750-

8.6-

ACTIVITY TOTALS

61,840

71,740

4,540-

4,660

71,760

71,760

20+

05 SERVICE SECTION-MAIL AND
PRINTING

01 SALARIES AND WAGES

189,060

192,720

13,370+

6,810

212,900

212,900

20,180+

10.5+

03 EMPLOYEE BENEFITS

35,950

34,650

2,500+

980

38,130

38,130

3,480+

10.0+

21 OFFICE SUPPLIES AND
STATIONERY

58,900

60,050

2,710

2,710

62,760

62,760

2,710+

4.5+

1989 SCHEDULE OF CONVENTIONS AND CONFERENCES

Account No. 0322-0391
City Clerk's
DEPARTMENT/ LOCAL BOARD
1989 January 06

24

NAME OF EVENT	PLACE TO BE HELD	DATES OF EVENT	PROPOSED TO ATTEND (NAME AND POSITION)	ESTIMATED COST
Approx. 4 trips for the purpose of viewing and evaluating various election systems in operation in the United States	Unknown at this time	Unknown at this time	Mr. K. E. Avery, Deputy City Clerk Mr. S. G. Hollowell Manager, Records Division Mr. R. Cole Systems Analyst 1 Alderman	\$13,600.00
TOTAL OBJECT 91 - "TRAVELLING"				\$13,600.00
				9.23

DATE 01/31/89

**CITY CLERKS DEPARTMENT*

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. BPPYBL34

PAGE

INCREASE
OVER 1988
ESTIMATE

25

ACCOUNT	DESCRIPTION	PROJECTED 1988 ACTUAL (3)	ESTIMATE 1988 (4)	ESTIMATE INCREASE+ DECREASE- (5)	INFLA- TIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	1989 ORIGINAL ESTIMATE (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	1989 RESULTANT APPROPRIA- TION (8+9) (10)	AMOUNT OVER 1988 ESTIMATE (10-4) (11)	PERCENT (11/4) (12)
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0322 **CITY CLERKS DEPARTMENT*

05 SERVICE SECTION-MAIL AND
PRINTING27 UNIFORMS, CLOTHING AND
ACCESSORIES

60

250

250

250

31 REPAIRS AND MAINTENANCE-
EQUIPMENT

13,650

13,650

730

14,380

14,380

730+ 5.3+

41 SALES TAX ON PRINTING AND
SUPPLIES

38,320

40,000

40,000

40,000

42 INSURANCE

100

100

100

100

50 PROVISION FOR SERVICING
AND REPLACEMENT OF
CALCULATORS

60

60

60

60

60 ALTRATIONS-PAPER SUPPLY
ROOM

2,100

2,100

P.36

2,100

2,100+

71 OFFICE EQUIPMENT

28,460

28,460

28,460

28,460+

(01) ENVELOPE FEEDER

5,300

5,300

5,300

5,300+

(02) ELECTRONIC POSTAGE SCALE

3,220

3,220

3,220

3,220+

(03) POSTAGE ALLOCATOR
(04) ENVELOPE FOLDER/INSERTER
RENTAL-EQUIPMENT

88,860

100,000

4,900

4,900

4,900

4,900+

79 RECOVERY OF COSTS FOR
PRINTING SERVICES-REGION

22,890-

22,000-

990-

22,990-

22,990-

990- 4.5-

ACTIVITY TOTALS

402,070

412,480

14,880+

11,230

30,560

476,150

476,150

56,670+

13.5+

DATE 01/31/89

CITY CLERKS DEPARTMENT*

TREASURY
1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

THE CORPORATION OF THE CITY OF HAMILTON

PGM NO. PBPYBL34

PAGE

ACCOUNT

DEF T (1)

DESCRIPTION
(2)

PROJECTED
1988
ACTUAL
(3)

198
TIM
(4)

ADJUSTMENT
TU 1988
ESTIMATE
INCREASE+
DECREASE-
(5)

INFLATIONARY COST (6)

EXPANSION
SERVICE
LEVEL
(77)

1989
ORIGINAL
ESTIMATE
+5+6+7)
(8)

ADJUSTMENT
INCREASE+
DECREASE--
(9)

1989
RESULTANT
APPROPRIA
-TION
(8+9)
(10)

INCREASE DECREASE OVER 1988 ESTIMATE	+	-
AMOUNT	PERCENT	
(10-4)	(11/4)	
(11)	(12)	

0322

CITY CLERKS DEPARTMENT

06 SMITHSONIAN

SALARIES AND WAGES

EMPLOYEE BENEFITS

ACTIVITY TOTALS

07 HAMILTON FARMER'S MARKET

SALARIES AND WAGES

03 EMPLOYEE BENEFITS

TELEPHONES

12. PUBLICITY

16 PUSTAGE

21 OFFICE SUPPLIES AND

STANLEY J. LUBET

CLEANING AND OPERATING SUPPLIES

UNIFORMS AND

IN SMALL TROOPS

HYDRA-TIC AND MATHEMATICS

EQUIPMENT

REPAIRS AND

10 } p. 27, 28
p. 33

9.35

DATE 01/18/89

PROPERTY DEPT.-PROPERTY
AND MAINTENANCE DIVISION

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. P89YBL34

PAGE

INCREASE
OVER 1988
ESTIMATE

27

ADJUSTMENT

TO 1988

1989
RESULTANT
APPROPRIA-

AMOUNT PERCENT

ACCOUNT	DEPT	DESCRIPTION	PROJECTED 1988 ACTUAL (3)	ESTIMATE 1988 (4)	ESTIMATE INCREASE+ DECREASE- (5)	INFLA- TIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	ORIGINAL ESTIMATE (4+5+6+7) (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	1989 RESULTANT APPROPRIA- TION (8+9) (10)	AMOUNT (10-4) (11)	PERCENT (11/4) (12)
88		MARKET										
13		WATER RATES AND SEWER SURCHARGE	5,100	4,300	1,090+	110		5,500		5,500	1,200+	27.9+
17		WINDOW CLEANING	3,000	3,000				3,000		3,000		
19		PEST CONTROL	600	600				600		600		
20		SECURITY	9,650	9,650				10,100		10,100	450+	4.7+
23		OPERATING SUPPLIES	5,590	5,590				5,750		5,750	160+	2.9+
31		REPAIRS AND MAINTENANCE- EQUIPMENT	5,490	5,490		1,210		6,700		6,700	1,210+	22.0+
32		REPAIRS AND MAINTENANCE- GROUNDS	6,300	6,300		510		6,810		6,810	510+	8.1+
33		REPAIRS AND MAINTENANCE- BUILDINGS	19,300	19,300		1,590		20,890		20,890	1,590+	8.2+
34		REPAIRS AND MAINTENANCE- CONTRACTS	28,810	28,810	720-	2,260		30,350		30,350	1,540+	5.3+
(01)		LIGHTING		1,080		20		1,100		1,100	20+	1.9+
(02)		ELECTRICAL SYSTEMS		1,000				1,000		1,000		
(03)		ELECTRICAL EQUIPMENT		1,950		50		2,000		2,000	50+	2.6+
(04)		CONTROLS		4,100		200		4,300		4,300	200+	4.9+

DATE 01/18/89

PROPERTY DEPT.-PROPERTY
AND MAINTENANCE DIVISION

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. PBPYBL34

PAGE

INCREASE +
DECREASE -
OVER 1988
ESTIMATEADJUSTMENT
TO 19881989
RESULTANT
APPROPRIA

DEPT (1)	DESCRIPTION (2)	PROJECTED 1988 ACTUAL (3)	ESTIMATE 1988 (4)	ESTIMATE INCREASE+ DECREASE- (5)	INFLA- TIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	ORIGINAL ESTIMATE (4+5+6+7) (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	1989 RESULTANT APPROPRIA (8+9) (10)	AMOUNT (11)	PERCENT (12)
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0328 PROPERTY DEPT.-PROPERTY
AND MAINTENANCE DIVISION

88 MARKET

34 REPAIRS AND MAINTENANCE-
CONTRACTS

(05) FIRE ALARM CONTRACT

1,600

690-

910

910

690-

43.1-

(06) FIRE EXTINGUISHERS

130

30-

100

100

30-

23.1-

(07) REFRIGERATION

3,300

3,300

3,300

1,990+

12.7+

(08) ELEVATORS

15,650

1,990

17,640

17,640

8,000+

8,000+

36 REPAIRS AND MAINTENANCE-
VARIOUS

8,000

8,000

8,000

8,000+

8,000+

(01) ADDITIONAL WASHROOM

83,040-

83,040-

13,570-

96,610-

P.26

96,610-

13,570-

16.3-

(0322-0733) RECOVERIES-CITY CLERK

ACTIVITY TOTALS

800

13,200-

6,290

8,000

1,090

1,090

1,090+

1,090+

28

DATE 01/31/89

**CITY CLERKS DEPARTMENT*

THE CORPORATION OF THE CITY OF HAMILTON

PGM NO. P8PYBL34

TREASURY

EXPENDITURE ESTIMATES

PAGE

1989 BUDGET WORKSHEET - FORM NO. 1

ADJUSTMENT

INCREASE
DECREASE
OVER 1988
ESTIMATE

29

DEPT (1)	ACCOUNT	DESCRIPTION (2)	PROJECTED 1988 ACTUAL (3)	ESTIMATE 1988 ESTIMATE (4)	ESTIMATE INCREASE+ DECREASE- (5)	INFLA- TIONARY COST (6)	EXPANSION SERVICE LEVEL (7)	ORIGINAL ESTIMATE (8)	ADJUSTMENT INCREASE+ DECREASE- (9)	RESULTANT APPROPRIA- TION (10)	AMOUNT DECREASE (10-4) (11)	PERCENT (11/4) (12)
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0322 **CITY CLERKS DEPARTMENT*

07 HAMILTON FARMER'S MARKET

75 OPERATING EQUIPMENT 4,510 4,510 4,510-

98 REVENUE-PROMOTIONAL MATERIAL 190-

99 REVENUE-SALES TAX 10-

ACTIVITY TOTALS

301,370

305,470

3,950+

13,450

10,500

333,370

333,370

27,900+

9.1+

03 ENFORCEMENT OF NO-SMOKING BY-LAW

01 SALARIES AND WAGES 19,270 11,300 9,850+ 850 22,010 22,010 10,710+ 94.8+

03 EMPLOYEE BENEFITS 4,670 2,280 2,220+ 120 4,620 4,620 2,340+ 102.6+

23 PURCHASE OF SIGNS 5,790 1,000 5,000+

72 AUTOMOTIVE EQUIPMENT

81 RENTAL-CAR POOL 4,350 2,420 2,050+ 190 4,660 4,660 2,240+ 92.6+

99 SALE OF SIGNS 9,730- 10,000-

ACTIVITY TOTALS

24,350

7,000

19,120+

1,170

11,000

38,290

38,290

31,290+

447.0+

09 ADVERTISING AND PUBLICITY

12 ADVERTISING AND PUBLICITY 65,340 107,320 41,980- 3,270 68,610 68,610 38,710- 36.1-

ACTIVITY TOTALS

65,340

107,320

41,980-

3,270

68,610

68,610

38,710-

38,710-

36.1-

DATE 01/31/89

**CITY CLERKS DEPARTMENT*

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. P8PYBL34

PAGE

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ACCOUNT

DEPT 1032

DESCRIPTION

PROJECTED
1988
ACTUAL

ESTIMATE

ADJUSTMENT
TO 1988
ESTIMATE
INCREASE+

INFLATIONARY
COST

EXPANSION
SERVICE
LEVEL

1989
ORIGINAL
ESTIMATE

ADJUSTMENT
INCREASE+

1989
RESULTANT
APPROPRIA

INCREASE
OVER 1988
ESTIMATE

PERCENT

0322

**CITY CLERKS DEPARTMENT*

10 QUARTER CENTURY CLUB

60

ANNUAL BANQUET AND AWARDS

10,460

13,670

13,670

13,670

ACTIVITY TOTALS

10,460

13,670

13,670

13,670

TOTAL BUDGET REQUEST

2,368,590

42,000+

81,880

137,130

2,702,890

2,702,890

261,010+

P.4

2,441,880

81,880

2,702,890

2,702,890

10.7+

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) Various Licence Section Accounts
3. CONSIDERATIONS: (A) AMOUNT \$83,070 p. 17, 20, 22.
- (B) EFFECTIVE DATE May 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Salary and benefits for additional staff (two stenographers, one licence clerk and one inspector), one automobile, radio, rental car pool charges and training course pertaining to the additional staff required to properly administer the expanded licencing responsibilities delegated to the City Clerk's Department by City Council.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The processing of licences and procedures respecting the administration and enforcement of licencing by-laws would be seriously impeded which could result in legal action being taken against the City for non-enforcement of its by-laws. Persons wishing to start new businesses would be unreasonably delayed in obtaining their licence. Serious errors could occur in the issuing or non-issuing of licences which could result in further legal action being taken.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 1 OF 67

- COMMITTEE : OF



1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0872
3. CONSIDERATIONS: (A) AMOUNT \$11,000 p. 29
(B) EFFECTIVE DATE
(C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
(D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Automotive Equipment

Purchase of one automobile.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The City Garage can no longer provide a rental vehicle for the use of the No-Smoking By-law Inspector due to a shortage of vehicles for rent. Without the use of a car the duties of the no-smoking inspector would have to be severely curtailed.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

The City Garage would have to be directed by the appropriate authority to make a car available.

8. PACKAGE RANKING BY - DEPT./BOARD: 2 OF 6/7
- COMMITTEE : OF

32

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0733
3. CONSIDERATIONS: (A) AMOUNT \$8,000 p.26
(B) EFFECTIVE DATE _____
(C) INCLUDED X OR NOT INCLUDED _____ IN ESTIMATES
(D) AFFECTS CURRENT _____ AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Repairs and Maintenance - Buildings - Farmers Market.

Additional Toilet Cubicle.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?

(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

Market patrons will continue to use the urinals and sinks for the purpose for which the additional toilet is required.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 3 OF 67

- COMMITTEE : _____ OF _____

33

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0571
3. CONSIDERATIONS: (A) AMOUNT \$28,460 p.25
(B) EFFECTIVE DATE
(C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
(D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Purchase of Electronic Scale, Postage Allocator, Envelope Inserter and Enveloper Feeder for the Service Section.

Use of this equipment would improve the level of service and result in a reduction in postage charges and the cost of printing envelopes for all civic departments which are currently printed by the private sector.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?

(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

Service level would not be improved, resulting in costly printing work being sent to private sector printers, the large number of zoning circulations would continue to be manually processed. Postal charges would not be reduced and manual processing of departmental postage accounts would continue.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

Yes. All departments would benefit from purchase of this equipment both in terms of cost savings and more effective use of staff resources.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 4 OF 6/7
- COMMITTEE : OF

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0774
3. CONSIDERATIONS: (A) AMOUNT \$2,500 p. 26
- (B) EFFECTIVE DATE
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Furnishings - Farmers Market Office

Purchase and installation of new drapes and carpet.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The Market Office carpet deteriorated so badly that it has already been removed and the drapes are rotting and will have to be removed shortly.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 5 OF 6/7
- COMMITTEE : OF

35

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0560
3. CONSIDERATIONS: (A) AMOUNT \$2,100 p.25
- (B) EFFECTIVE DATE
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Alterations - Paper Supply Room, Service Section

Install double doors to paper supply room to enable paper skids to be stored as recieved without unloading.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?

(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

Paper skids which are too wide to fit through the current door would have to continue to be manually unloaded in the hall, transferred to a dolly and reloaded on the skids inside the paper supply room. This wastes valuable staff time which could be better utilized.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 6 OF 67

- COMMITTEE : OF

36

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0111, 0121, 0183
3. CONSIDERATIONS: (A) AMOUNT \$2 000 p. 16, 17
(B) EFFECTIVE DATE APRIL 1, 1989
(C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
(D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Telephone, supplies and rental charges for one Fax machine.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

City Clerk's, Mayor's Office, Alderman's Offices and CAO's Office staff will have to continue to use the Fax machine in the Purchasing Department on the 4th Floor, which is over utilized.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

See #5 above.

3. PACKAGE RANKING BY - DEPT./BOARD: 7 OF 7
- COMMITTEE : OF

CITY OF HAMILTON MUNDIALIZATION COMMITTEE

OPERATING BUDGET

JANUARY 1 TO DECEMBER 31 1989

EXPENSES

I EVENTS

A. January	Interfaith Meeting	\$ 125
B. May	Annual Meeting	50
C. Fall	Semi-annual meeting & Potluck Dinner	100

Subtotal	\$275
----------	-------

II MEMBERSHIP FEES

A. Ontario Mundialization Council	
@ \$ 7 per member x 35	245(-5)

B. Disarmament Coalition	25(+5)
--------------------------	--------

Subtotal	\$270
----------	-------

III CONFERENCE ATTENDANCE

Ontario Mundialization Annual Meeting

A. Registration fees(projected)	
\$30 x 10	300(+300)
B. Travel expense	100(+100)

Subtotal	\$400(+400)
----------	-------------

IV OFFICE EXPENSE

A. Miscellaneous Supplies	175
B. Information Kits for Ceremonies	100
C. Postage	300

Subtotal	\$575
----------	-------

V ENTERTAINMENT OF VISITING DELEGATIONS

N.B. The student visit from Fukuyama cost in excess of the amount budgeted in 1988. We had difficulty covering expenses for the City of Fukuyama visit. Thus the large increase in this year's budget.

700(+250)

Note: Bracketed Figures represent the amount the budget was increased for the particular item. Items not followed by a bracketed amount, remain at the 1988 budgeted level.

VI WORLD CITIZENSHIP AWARD DINNER
(1988-This category was designated the 20th anniversary celebrations)

A. Printing	\$ 250	
B. Postage	300	
C. Photocopying	200	
D. Dinners for guests & nominees	400	
E. Flowers & Corsages	150	
F. Advertising	600	
G. Award(Medal-paid for out of '88 budget) + gift from city	50	
H. Speaker (includes travel expenses)	1000	
I. Gift from City	50	
Subtotal		\$3000

TOTAL EXPENSES

\$5220(\$1150)

INCOME OTHER THAN CITY FUNDING

Membership Fees(Paid in May of 1989)
based on current membership of 30 @ \$7 each \$210

OPERATING BUDGET REQUESTED FROM CITY* \$5010

To Committee Members

1988 was the first year we received a formal budget from the City of Hamilton, and the first year we operated under a formal budget.

In previous years a large amount of our operating expenses was covered by private donations of goods and services which made it difficult to predict the actual budget required in 1988. After trying to work within the budget set for 1988, we were able to determine our actual need.

*See Letter re annual United Nations Grant.

HAMILTON STATUS OF WOMEN SUB-COMMITTEE

1989 BUDGET

Women's World and Programme	\$1,800.00
Political Education Seminar	1,000.00
Two Seminars on relevant current issues @ \$1,000.00 each	2,000.00
Summer Project - Non-Traditional Jobs in City and Region (would include printing of final report, press conference, advertisement, etc.)	2,100.00
Women of the Year Banquet	2,436.00
Printing - for Committee Stationery, etc.	630.00
Seminars, Conferences, etc.	840.00
Dinner Meetings, City Hall	<u>945.00</u>
 TOTAL	 \$11,751.00

TOTAL BUDGET REQUEST — \$11,750.00

DATE 01/18/89

RECEPTIONS AND GRANTS
-OTHER COMMITTEES

THE CORPORATION OF THE CITY OF HAMILTON

TREASURY

1989 BUDGET WORKSHEET - FORM NO. 1

EXPENDITURE ESTIMATES

PGM NO. PBPYBL34

PAGE 35

ACCOUNT

A O D
C B E
T J T
(1)

DESCRIPTION

PROJECTED
1988
ACTUAL
(3)1988
ESTIMATE
(4)ESTIMATE
INCREASE+
DECREASE-
(5)INFLA-
TIONARY
COST
(6)EXPANSION
SERVICE
LEVEL
(7)1989
ORIGINAL
ESTIMATE
(4+5+6+7)
(8)ADJUSTMENT
INCREASE+
DECREASE-
(9)1989
RESULTANT
APPROPRIA-
TION
(8+9)
(10)AMOUNT
OVER 1988
ESTIMATE
(10-4)
(11)PERCENT
+
(11/4)
(12)

0373

RECEPTIONS AND GRANTS
-OTHER COMMITTEES

10 LEGISLATION COMMITTEE

01 CIVIC PINS, MEDALS, RINGS

11,000

18,000

18,000

18,000

02 RECEPTIONS-CITY HALL

6,000

5,250

5,250

5,250

03 SPECIAL CIVIC RECEPTIONS
AND DELEGATION HOSTING

20,000

25,000

25,000

25,000

04 CERTIFICATES OF
RECOGNITION

1,000

1,000

1,000

05 GILDA CIND ARTS AWARD

1,000+

1,000

1,000

1,000+

ACTIVITY TOTALS

37,000

49,250

1,000+

50,250

50,250

1,000+

2.0+

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 February 16

CALL ON HBL AOS
CSIL2
1989

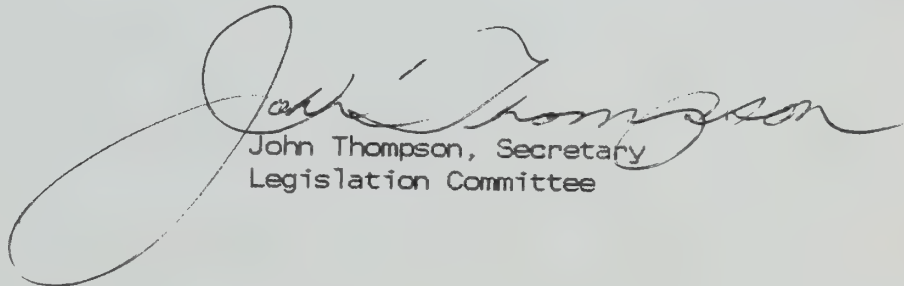
NOTICE OF MEETING

Legislation Committee
Monday, 1989 February 20
9:30 o'clock a.m.
Room 233, City Hall

HAMILTON PUBLIC LIBRARY

FEB 22 1989

GOVERNMENT DOCUMENTS


John Thompson, Secretary
Legislation Committee

JT:mjw

A G E N D A

A. DELEGATION - WORKPLACE SMOKING LEGISLATION

Comparison between proposed Provincial Legislation (Bill 194)
and City of Hamilton Private Legislation (Bill Pr64) and City
proposed By-law

1. Approval of the Minutes of the Meeting held 1989 February 06.

2. ASSOCIATION OF MUNICIPALITIES OF ONTARIO

1989 Membership Fees

Note: Additional material on A.M.O.'s Programmes and
Activities distributed with agenda.

3. PLANNING AND DEVELOPMENT COMMITTEE

Garbage Chutes in Apartment Buildings

4. USE OF CITY HALL FACILITIES

- (a) Serbian Eastern Orthodox Church "St. Nicholas"
City Hall Forecourt
- (b) Canadian Polish Congress, Hamilton District
Council Chambers
- (c) Y.W.C.A. Strawberry Festival
City Hall Forecourt
- (d) Monarchist League of Canada, Hamilton and District Branch
Permission to fly flag
- (e) Estonian Society of Hamilton
Permission to fly flag
- (f) The Canadian Red Cross Society
Permission to fly flag for Red Cross Month

5. CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 794

Day of Recognition

6. RESOLUTIONS

- (a) City of Hamilton
Amendment to Young Offenders Act
- (b) Town of Newmarket
Amendment to the Municipal Act and The Municipal Elections Act
to require candidates for municipal office to post a deposit

7. GILDA CINO ARTS AWARD

Amendment to Terms of Reference -
Regarding Presentation of Award

8. CODE OF CONDUCT BY-LAW

9. NEW SECOND LEVEL LODGING HOUSE BY-LAW

Request to Schedule Meeting - Alderman D. Christopherson

10. SEMINAR - THE MUNICIPAL ELECTIONS ACT

Campaign Expense Reports (Information).

11. NEW BUSINESS

12. ADJOURNMENT

OUTSTANDING ITEMS

LEGISLATION COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
1. Review Civic Award Policy and Regulations	1988 December 05	Legislation Committee	Report to Follow
2. Public Review of New Second Level Lodging House By-law	1989 January 19	Legislation Committee	Review Pending
3. Policy for Special and Public Meetings	1989 January 23	Staff	Report to Follow
4. Policy for Use of Council Chambers	1989 January 23	Staff	Report to Follow
5. AMO Membership Fee	1989 January 23	AMO	Report to Follow
6. Police Report on Licencing Function	1989 January 23	Regional Police	Report Pending
7. General Public Review of Licencing By-law No. 79-323 Re Taxis and Livery Vehicles	1989 January 23	Ad Hoc Sub-Committee	Review Pending
8. Regionalization of Bingo Lottery Licences	1989 January 23	Licencing Committee	Report to Follow
9. Smoking in the Workplace - Status Report of City of Hamilton Legislation Impact of Bill 194	1989 January 23	Legislation Committee	Review with Interest Groups Pending

FOR ACTION

A.

REPORT TO: Chairman and Members
Legislation Committee

FROM: Lou Sage
Chief Administrative Officer

DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Workplace Smoking Legislation.

RECOMMENDATION:

That the City of Hamilton proceed with its application for private enabling legislation to authorize City Council to enact a by-law to regulate smoking in the private sector workplaces.

.....*[Signature]*.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Once private enabling legislation is in place, a review will be undertaken of the enforcement provisions of the final draft of the proposed by-law to determine the impact, if any, on the current operating budget estimates of the Licencing Division of the City Clerk's Department. The review will also include provision for anticipated revenue from the sale of signs as well as fines received as a result of convictions made under the by-law.

BACKGROUND:

At its meeting held 1988 April 26, City Council on the recommendation of the Legislation Committee directed that a draft by-law be prepared to regulate smoking in private sector workplaces.

The draft by-law was discussed at a public meeting held 1988 June 29 and after some revisions, received first and second readings by City Council on 1988 July 21.

Attached for the Committee's review is a report of Ms. L. Lawrence, City Solicitor's Office comparing Bill 194, the proposed provincial Smoking in the Workplace Act to the proposed by-law of the City of Hamilton.

This report was received by the Legislation Committee at its meeting held 1989 January 23 pending a meeting with all interested persons, groups and organizations to discuss the pros and cons of both pieces of legislation.

Attachment

Corporation of the City of Hamilton

Memorandum

TO: Chairman and Members,
Legislation Committee,
Attn: Mr. J. D. Thompson, Secretary

YOUR FILE:

FROM: Lian Lawrence,
City Solicitor's Department

OUR FILE: 90-2.34
40-105.1

SUBJECT: - Smoking in the Workplace
- Status Report on City of Hamilton
Legislation
- Impact of Bill 194

DATE: 1989 January 18

Further to your memo of 06 January 1989, I am pleased to provide a status report on the City's application for private enabling legislation to enact a Workplace Smoking By-law, along with a review of Bill 194 and its impact on the City of Hamilton initiative.

Background:

On 26 April 1988 the Council of The Corporation of the City of Hamilton, in adopting Item 1 of the 6th Report of the Legislation Committee, directed that the City Solicitor prepare a draft by-law to regulate smoking in private sector workplaces, that a public forum be held to discuss the draft proposal, and that the City Solicitor apply to the Government of Ontario for special enabling legislation.

Although the usual procedure is to obtain enabling legislation before drafting a by-law, in accordance with Committee instructions, in this case, a draft by-law was prepared first. It was discussed at a public forum on 29 June 1988 at 7:30 p.m. and, after some revision, it was presented to City Council on 21 July 1988 for 1st and 2nd readings.

Application for enabling legislation was forwarded to Queen's Park on 01 September 1988. Since then, considerable discussion between our office and Legislative Counsel for the Private Bills Committee at Queen's Park has taken place, and, as a result, the original draft enabling legislation has undergone significant revision. It is now being circulated among interested Ministries of the Province, e.g. Municipal Affairs, Labour, etc., for comment.

Subject to their comments, further revisions to the draft enabling legislation may be necessary. Once enabling legislation is in place, the proposed City of Hamilton by-law will have to be redrafted in accordance with the enabling legislation in its final form.

Bill 194:

In the meantime, on 30 November 1988, Bill 194 was introduced in the Provincial Legislature to regulate smoking in the workplace uniformly throughout the Province. Bill 194 sets minimum standards applicable to all workplaces that are subject to provincial labour regulation, including the provincial government itself. It is expected to come into effect on 01 July 1989.

Comparison:

What follows is a brief comparison of Bill 194 with the City of Hamilton proposed legislation.

1. Designation of Smoking Areas

Under both Bill 194 and the City of Hamilton draft bill, smoking is prohibited in the workplace except in designated areas.

However, different kinds of restrictions are placed on the designation of these smoking areas.

Bill 194 restricts the total area which may be designated for smoking to a maximum of 25% of the workplace area. The City of Hamilton proposed legislation requires that the smoking areas be located in cafeterias and dining rooms only. Otherwise, only rooms that are fully enclosed and ventilated may be designated for smoking.

One of the main features of our proposed by-law as it is currently drafted, is the requirement that smoking rooms be ventilated, and that in new buildings constructed after 01 January 1990, smoking rooms be independently ventilated to the outside. However, there is some concern that the corresponding provision in the private legislation enabling us to enact such a provision may not be approved by Queen's Park. If this happens, the strength and impact of our by-law will be significantly weakened.

The private enabling legislation also contains a provision authorizing the City to specifically prohibit certain areas, such as washrooms and private offices, from being designated as smoking rooms. Bill 194 has no such corresponding provision.

2. Application

Bill 194 applies to all Ontario workplaces, both public and private, except:

- workplaces under federal jurisdiction
- workplaces whose primary function is to serve the public, e.g. restaurants, bars, etc., (this is a matter for municipal regulation)

- workplaces that are primarily used for lodging
- private dwellings
- outdoor work areas
- vehicles. (however, vehicles may be included in an employer's smoking policy)

The City of Hamilton proposed legislation applies only to private sector workplaces within the City. However, the enabling legislation should give the City authority to regulate municipal public sector workplaces, as well as authority to exempt workplaces that are used primarily for lodging (e.g. nursing homes, chronic care homes, etc.), and private dwellings from municipal regulation of smoking.

As with Bill 194, our draft by-law does not apply to vehicles, but this does not preclude an employer from including vehicles in its workplace smoking policy.

3. Enforcement

Bill 194, is to be enforced by the Occupational Health and Safety Division of the Ministry of Labour.

The City of Hamilton Workplace Smoking By-law. is to be enforced by the Licensing Division of the City Clerk's Department.

4. Impact of Bill 194 on City of Hamilton Workplace Smoking By-law

When enacted, Bill 194 will not override or invalidate municipal by-laws regulating smoking in the workplace. Nor will it specifically empower municipalities to regulate workplace smoking without the need for special enabling legislation. Instead, municipal workplace smoking by-laws may co-exist with the provincial legislation and, in the event of conflict the more restrictive provision is to apply, whether it be municipal or provincial.

Regulating Workplace Smoking by Bill 194 and a City of Hamilton By-law:

Advantages. As the provincial regulations are designed to set minimum standards, the main advantage of concurrent municipal legislation is that it will necessarily be more restrictive; it will pick up where the Province leaves off.

Disadvantages. At the same time, though, the enactment of a municipal regulation over and above the basic provincial regulation will necessarily entail the concurrent existence of two levels of legislation on the same matter, as well as two levels of enforcement procedures. This will undoubtedly create some confusion. And, if there are different regulations in Hamilton than in its neighbouring municipalities, this will increase the element of confusion even more.

As well, the cost of enforcement, in providing more inspectors, laying charges, etc. will be the City's responsibility, and will have to be reflected in the budgeting process. Moreover, if we find that additional powers are needed to municipally regulate workplace smoking, further enabling legislation will be required.

In light of the foregoing, your Committee may wish to review the need for municipal regulation of workplace smoking.

In the event that the proposed municipal regulation is withdrawn, smoking in the workplace would be regulated in accordance with Bill 194 only, once it is enacted. There are several advantages to this approach, some of which are outlined below.

Advantages to Regulating Workplace Smoking by Bill 94 Alone:

(a) Regulation would be uniform across the Province, except for 3 municipalities who have already received enabling legislation to municipally regulate smoking in the workplace (Toronto, Etobicoke, and Markham);

(b) Private employers with branch plants and offices throughout the Province will be consistently subject to the same legislation (with the exception of the 3 municipalities enumerated in (a) above);

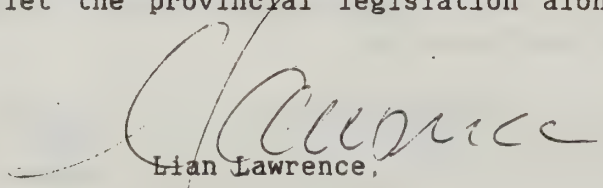
(c) Employers and employees alike will be subject to one single piece of legislation, not two separate pieces of legislation from 2 levels of government;

(d) Enforcement will be handled by the Provincial Ministry of Labour, at provincial expense; the City will not be responsible for the costs associated with workplace smoking regulation;

(e) Advertising costs associated with the introduction of new legislation to regulate workplace smoking will be paid for by the Province.

Conclusion:

In light of all of the above, especially the costs involved, your Committee may wish to reconsider the Council resolution of 26 April 1988 on this matter, with a view to taking a formal decision as to whether Committee and Council wish to proceed with the City's application for private enabling legislation, or withdraw it and let the provincial legislation alone govern smoking in the workplace.


Lian Lawrence,
for K. A. Rouff,
City Solicitor.

LL:js

Corporation of the City of Hamilton

Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:

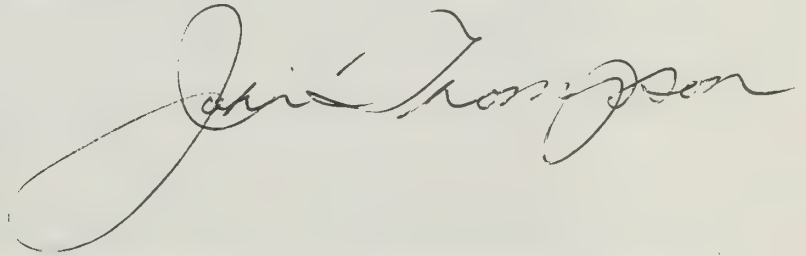
PHONE: 526-2729

SUBJECT: WORKPLACE SMOKING LEGISLATION

DATE: 1989 February 16

Attached for your review are copies of letters from the following:

- (a) Ontario Ministry of Labour to Dr. Michael D. E. Goodyear,
Hamilton Regional Cancer Centre.
- (b) Mr. Brian Reid, President, Hamilton and Wentworth
Non Smokers Rights Association.

A handwritten signature in cursive script, reading "John Thompson". The signature is written in dark ink and is positioned to the right of the list of attachments.

JT:mjw

Attachment



Ontario
Ministry of
Labour

Ministère
du Travail
de l'Ontario

Office
of the
Minister

Bureau
du
Ministre

400 University Avenue
Toronto, Ontario
M7A 1T7
416/965-4101

February 6, 1989

Dr. Michael D.E. Goodyear
Hamilton Regional Cancer Centre
Henderson Clinic
711 Concession St.
Hamilton, Ontario
L8V 1C3

Dear Dr. Goodyear:

Thank you for your letter of December 14, 1988 concerning Bill 194, Smoking in the Workplace Act.

Please be assured that I will take your thoughtful comments under advisement. However, while I respect your views on this matter, please understand that Bill 194 first and foremost legislates a general prohibition on smoking in the workplace, not public places. Where the employer chooses to establish designated smoking areas, this must be done in consultation with the joint health and safety committee. I am of the view that this statutory obligation to consult with workers will allow workers and employers to co-operatively resolve any problems concerning environmental tobacco smoke.

Bill 194 is, as you have noted, an innovative piece of legislation which will, I am certain, lead other jurisdictions to follow suit. With this legislation, the Government of Ontario is setting a uniform and minimum standard which will apply to all workplaces in Ontario. However, nothing in this legislation prevents a business or municipality from implementing more stringent no-smoking regulations. Furthermore, the regulation of smoking in public places has been left with the municipal level of government, which has shown leadership in this area.

Regarding referral of Bill 194 to a Legislative committee for public hearings, all I can say at this point is that this is a matter for the House Leaders of each party to decide.

Again, I thank you for your comments on this important matter.

Yours truly,

Gregory Sorbara
Minister

RE:

135 Fennell Avenue West
Hamilton, Ontario
January 20, 1989

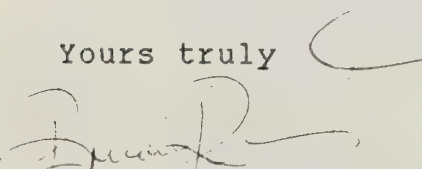
Members of the Legislation Committee.

The Hamilton -Wentworth Non-Smoker's Rights Association were part of the team of interest groups who appeared before the Legislation Committee last year in support of bylaw regulating smoking in the workplace for the City of Hamilton. We hereby request that you proceed to obtain enabling legislation from the Province of Ontario so the local bylaw may be implemented.

The Hamilton bylaw will be superior to the provincial legislation as it provides for requirements for designated smoking areas. The provincial legislation and Hamilton legislation would be compatible in many areas, however the Hamilton bylaw would be the dominant bylaw with respect to designated smoking areas.

There is a great deal of interest in the new Hamilton workplace bylaw, and we urge the speedy passage and implementation of the Hamilton bylaw that will regulate smoking in the workplace.

Yours truly



Brian Reid

President

Hamilton-Wentworth Non-Smoker's Rights Association

Monday, 1989 February 06
9:30 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present:

- Alderman V. J. Agro, Chairman
- Alderman M. Kiss, Vice-Chairman
- Mayor R. M. Morrow
- Alderman D. Drury
- Alderman G. Copps
- Alderman F. Lombardo
- Alderman T. Jackson
- Alderman H. Merling
- Alderman D. Ross

Also present:

- Alderman D. Christopherson (Part of Meeting)
- Alderman T. Murray (Part of Meeting)
- Mr. L. Sage, Chief Administrative Officer
- Mr. K. E. Avery, Deputy City Clerk
- Mr. S. J. Dembe, Manager, Licencing Division
- Mr. S. G. Hollowell, Manager, Records Division
- Mr. P. Hooker, City Solicitor's Office
- Ms. L. Lawrence, City Solicitor's Office
- Mr. D. Carson, Executive Assistant to the Mayor
(Part of Meeting)
- John Thompson, Secretary

1. ENGLISH LANGUAGE ISSUE IN THE PROVINCE OF QUEBEC

Province of Quebec -
English Language
Issue

Mr. Bill Powell appeared before the Committee and explained that he along with many members of the community are deeply concerned with the actions of Premier Borassa of Quebec. He explained that Premier Borassa has denied his election promises and defied the ruling of the Supreme Court of Canada with respect to the use of English signs in the Province of Quebec. He pointed out that he has denied the basic rights of approximately 800 000 residents of Quebec of many national origins who choose to speak the English language, the right to put up signs on their place of business. He explained that the obvious result of this action will drive English speaking people from Quebec, this at a time when other provinces have been most generous in insisting that francophones have many advantages not previously enjoyed.

He requested that City Council send letters to all the Premiers of the Provinces of Canada condemning the action of Premier Borassa and also send a strong letter of support.

The Committee directed that Mr. Powell's presentation be received.

2. MINUTES

The minutes of the meeting of the Legislation Committee held 1989 January 23 were received and adopted as amended. The minutes were amended by adding Alderman Drury's name as being in favour of the discontinuance the City Hall Open House Programme.

The minutes were also amended by deleting the name of Alderman Copps from the list of members of the French Sub-Committee and substituting in lieu thereof Mayor R. Morrow.

Adoption of the
Minutes of the
Meeting held 1989
January 23
as amended

Rodeos -
Allies
for
Animal
Rights

3. ALLIES FOR ANIMAL RIGHTS - RODEOS

The Committee was in receipt of a copy of a letter received by Mayor R. M. Morrow dated 1988 December 22 from the Allied for Animal Rights outlining their concerns with respect to the exploitation and abuse of rodeo animals.

Allies for Animal Rights recommends that Hamilton City Council give serious consideration to passing a by-law banning or prohibiting rodeo events in the City of Hamilton.

The Committee was also in receipt of a memorandum from Mr. P. Hooker of the City Solicitor's Office dated 1989 January 13 advising that the Municipality already does have legislative power to pass a by-law prohibiting the holding of rodeo events within its boundaries.

The Committee was also in receipt of a copy of a letter from Mr. Cam Stableford, General Manager, Hamilton Society for the Prevention of Cruelty to Animals dated 1989 January 19 advising that they find the letter from Allies for Animal Rights to be largely accurate of the circumstances of the rodeo environment and the treatment of animals at these events. He strongly supports the passage of a by-law in the City of Hamilton which would prohibit the conduct of such events. To this end, the City already has a by-law disallowing the keeping of various classes of animals in the City of Hamilton.

Following consideration, the Committee directed that the correspondence from the Allies for Animal Rights be received with no further action at this time.

Hamilton
Power and Sail
Squadron -
Use
of
Council Chambers

4. HAMILTON POWER AND SAIL SQUADRON

As outlined in a report of the Secretary dated 1989 February 02, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the Hamilton Power and Sail Squadron to use the City Hall Council Chambers on Wednesday, 1989 February 22 at 2:00 o'clock p.m. for a ceremony in honour of the 50th Anniversary of the inception of the Canadian Power and Sail Squadron.

Salvation Army -
Sunday
Evening
Services

5. SALVATION ARMY, SUNDAY EVENING SERVICES

As outlined in a report of the Secretary dated 1989 February 02, the Committee agreed to submit the following recommendations to City Council for approval.

(a) That permission be granted to the Salvation Army (Hamilton Temple) to use the front canopy area of City Hall for their Summer Series of Outdoor Services each Sunday evening from 1989 June 18 to 1989 August 27.

(b) That permission be granted to the Salvation Army to use 150 City Hall chairs and a piano.

Note: No staff time is required for "set up and removal" as this equipment is set aside on Friday evening and the members of the Salvation Army ensure that everything is properly set up and cleared away. The P.A. System and podium are provided by the church.

6. LITHUANIAN CANADIAN COMMUNITY, HAMILTON BRANCH

As outlined in a report of the Secretary dated 1989 February 02, the Committee agreed to submit the following recommendation to City Council for ratification.

That the request of the Lithuanian Canadian Community, Hamilton Branch for permission to fly the Lithuanian flag in commemoration of the independence of Lithuania from 1989 February 12 to February 16, be approved.

Lithuanian
Canadian
Community
Request to
fly
Flag

7. HEART AND STROKE FOUNDATION

As outlined in a report of the Secretary dated 1989 February 02, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the Heart and Stroke Foundation of Ontario to fly their flag at City Hall during the month of February which was been proclaimed Heart and Stroke Month.

Heart and Stroke
Foundation -
Request
to
fly
Flag

8. HERITAGE DAY FLAG

As outlined in a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 January 31, the Committee agreed to submit the following recommendation to City Council for approval.

That the Ontario Heritage Foundation be permitted to display a Heritage Day flag in front of City Hall on Monday, 1989 February 20 with the following message in both English and French:

"Ontario's Heritage
Take it to Heart"

Ontario
Heritage
Foundation -
Request
to
fly
Heritage Day Flag

9. RESOLUTION - TOWN OF HALDIMAND REGARDING HAMILTON CIVIC AIRPORT

The Committee was in receipt of a resolution from the Town of Haldimand recommending that the Minister of Transport be petitioned to review the Federal Government policies to establish policies to enhance the operation and facilities at Hamilton Civic Airport to encourage better utilization of this excellent facility for the benefit of the industry and population within the greater Hamilton Metropolitan area which has been forwarded to the City of Hamilton for endorsement and support.

The Committee directed that this resolution be referred to the Airport Committee for consideration and recommendation.

Resolution
Town of Haldimand
Regarding
Hamilton
Civic Airport

10. GENERAL PUBLIC REVIEW OF LICENCING BY-LAW NO. 79-323 REGARDING TAXIS AND LIVERY VEHICLES

A special sub-committee was struck composed of Alderman V. J. Agro, Alderman D. Drury and Alderman G. Copps to review the taxi and livery vehicle legislation and come back to the Legislation Committee with recommendations.

General Public Review
Licensing
By-law No. 79-323
Regarding
Taxis and
Livery Vehicles

1989
Budget
Review11. 1989 BUDGET REVIEW

The Committee proceeded to consider the 1989 Expenditure Estimates of those budgets under the jurisdiction of the Legislation Committee namely Legislative, City Clerk's Department, Mundialization Committee, Status of Women Sub-Committee and Civic Awards, Receptions, Delegate Hostings.

Mr. Matthews gave a brief overview of the 1989 Expenditure Estimates for the City Clerk's Department which have been submitted in two packages, City Clerk's and Legislative. He pointed out that \$910 000 represents one percent on the City's mill rate. He also explained that a salary increase of 3.5 percent has been included in the budget submissions for civic employees which appears in the inflationary column of the budget submission.

Following a line-by-line review of the budget submission of the City Clerk, the Committee approved the following reductions, adjustments and directives.

0321	LEGISLATIVE	COMMITTEE ADJUSTMENT
01	Mayor's Office	
01	Salaries and Wages	
	The Committee directed that further details be provided for this account including the provisions for the re-negotiated contract of the Mayor's Executive Assistant.	
11	Telephones	\$ - 200
16	Postage	- 200
21	Office Supplies and Stationery	- 800
29	Picture Frames and Camera Supplies	- 300
31	Repairs and Maintenance - Equipment	- 50
46	Mementos	- 5 000
81	Rental - Car Pool	- 50
92	Car Allowance	- 70
94	Training Courses	- 220
04	Motor Vehicle Operation	
81	Rental - Car Pool	
	The Committee directed that further details be provided for this account including more detail on the various activities within the account.	
05	City Hall Annual Open House	
60	Services and Supplies	\$ - 2 000
06	City of Hamilton Memberships	
93	Memberships and Subscriptions (A.M.O.)	
	The Committee directed that this account be set aside pending a decision by the Legislation Committee regarding the payment of the 1989 Membership fee.	

0322 CITY CLERK'S DEPARTMENT

1989
Budget
Review

01 Administration

03 Employee Benefits
The Committee requested more detail
on this account having regard to the
considerable adjustment made to the
1988 estimates.

60 Certificates of Recognition \$ - 1 000
91 Travelling - 1 500

02 Licence Division

01 Salaries and Wages
(01) 2 Stenographers II (May 1) \$ - 11 800
(03) Inspector (May 1) - 18 060
03 Employee Benefits - 3 190
72 Automotive Equipment - 11 000
73 Radio Equipment - 2 000
81 Rental - Car Pool - 4 470
91 Travelling - 2 000
94 Training Courses - 350

03 Election

01 Salaries & Wages - Budget for
Six (6) Months Only
91 Travelling \$ - 10 600

05 Service Section - Mail and Printing

71 Office Equipment \$ - 5 300
(01) Envelope Feeder - 5 300
Interface Kits - 1 895
(03) Postage Allocator - 4 900

0373 Receptions and Grants
- Other Committees

10 Legislation Committee
01 Civic Pins, Medals and Rings \$ - 7 000
03 Special Civic Receptions and Delegate Hostings - 5 000

1989
Budget
Review

The above reductions and adjustments represent a 2.5 percent decrease in the City Clerk's Department Budget. As a result of these reductions, the 1989 Expenditure Estimates of the City Clerk's Department represents a 7.5 percent increase over the 1988 Estimates.

Adjournment

The meeting then adjourned.

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1989 February 06

Typed by M. J. Walton

FOR ACTION

2.

REPORT TO: Chairman and Members
Legislation Committee

FROM: Lou Sage
Chief Administrative Officer

DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Association of Municipalities of Ontario (A.M.O.)
Annual Membership Fee.

RECOMMENDATION:

- (a) That the City Clerk be authorized and directed to remit payment to A.M.O. in the amount of \$10 630.72 for the City of Hamilton's 1989 membership fee.
- (b) That an additional amount of \$1 580 be included in the 1989 Current Budget Estimates, Account No. CH56006-10001, City of Hamilton Memberships to complete financing of the payment of the 1989 Membership fee.

.....*[Signature]*.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

An amount of \$ 9 050 was placed in the 1989 Current Operating Budget of the Legislative Division to cover the cost of the City's 1989 membership fee in the A.M.O. Consequently, an additional appropriation of \$1 580 is required to cover full payment of the membership fee.

BACKGROUND:

At its meeting held 1989 February 06, the Legislation Committee requested additional information on A.M.O.'s programs and activities.

Distributed under separate cover with the Committee's agenda is a copy of a letter from Mr. MacDonald Dunbar, Executive Director, A.M.O. to which are attached various reports of A.M.O. including a copy of their most recent brief to the Province of Ontario regarding 1989 - 1990 Transfer Payment Announcement.

FOR ACTION

3.

REPORT TO: Mr. J. Thompson, Secretary
Legislation Committee

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

DATE: 1989 February 10
COMM FILE:
DEPT FILE:

SUBJECT: Garbage Chutes, Apartment Buildings

RECOMMENDATION:

- (a) That City Council petition the Provincial Government to enact Legislation to require the location and use of garbage chutes to be on ALL floors of apartment buildings.
- (b) That the above petitioning also be forwarded to the Ontario Building Code Committee.

BACKGROUND:

The Planning and Development Committee at its meeting held Wednesday, 1989 February 1 were in receipt of correspondence forwarded to them from Alderman D. Agostino respecting the above-noted matter. The Committee was also in receipt of a report from the Director of Inspections, Building Department, advising that there is no legislation that deals specifically with garbage chutes. The report further added that "The provision of garbage chutes are at the discretion of the building owners only, and it is their prerogative as to which floors are served and if in fact they permit the tenants to use them."

The Committee agreed that this was not acceptable and directed that this matter be referred to the Legislation Committee for discussion and action.

SKR/mc

- cc - Alderman J. Smith, Planning and Development Committee
- Alderman D. Agostino
 - Mr. L. Sage, C.A.O.
 - Mr. P. Lampman, Building Department (Chairman, Ontario Building Code Committee)

FOR ACTION

4(a)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

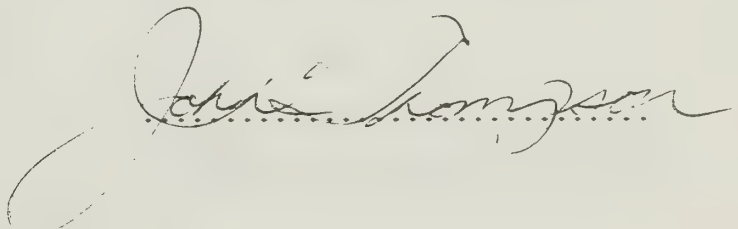
DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Serbian Eastern Orthodox Church.

RECOMMENDATION:

That permission be granted to the Serbian Eastern Orthodox Church "St. Nicholas" to hold a short commemorative observance in the City Hall forecourt on Saturday, 1989 July 1 to commemorate the 600th Anniversary of the Battle of Kosovo, Serbia, Yugoslavia.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Staff overtime for a Property Maintenance Worker approximately \$36.

BACKGROUND:

FOR ACTION

4(6)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

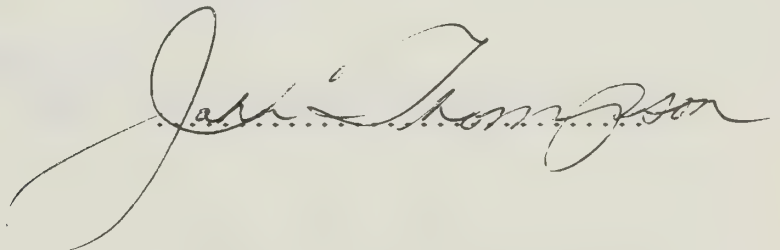
DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Canadian Polish Congress, Hamilton District.

RECOMMENDATION:

That permission be granted to the Canadian Polish Congress, Hamilton District to fly their national flag and to use the City Hall Council Chambers for a proclamation ceremony on Friday 1989 May 27 at 10:00 o'clock a.m. to 1:00 o'clock p.m. Saturday.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Funding available for staff overtime and light refreshments.

BACKGROUND:

As in previous years approval of this request includes parking privileges for those attending the event and light refreshments in the form of coffee, pop and cookies for approximately 100 persons. With respect to parking privileges, the applicant provides the City with a car sticker with their emblem for those people who will be attending the ceremony so that they can identify themselves by placing it on the front windshield of their cars.

FOR ACTION

4(c)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

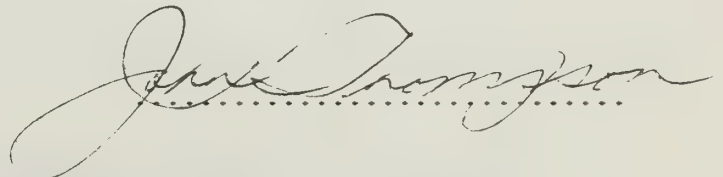
DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:
Y.W.C.A. - Annual Strawberry Festival.

RECOMMENDATION:

That permission be granted to the Y.W.C.A. to use the City Hall forecourt for their annual Strawberry Festival on Thursday, 1989 June 15 from 11:00 o'clock a.m. to 4:00 o'clock p.m. including the use of the following equipment.

- (a) City Van to transport tables to and from Y.W.C.A.
- (b) City Hall Chairs
- (c) Sound System
- (d) Piano and extension cord
- (e) Distribution of flyers throughout the City Hall building



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

4(d)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

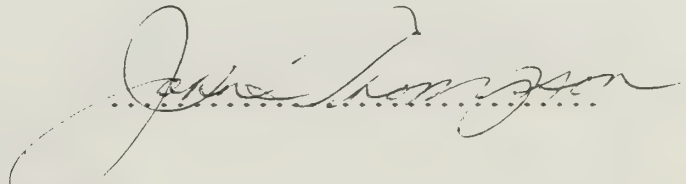
DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Monarchist League of Canada, Hamilton and District Branch.

RECOMMENDATION:

That permission be granted to the Monarchist League of Canada, Hamilton and District Branch to fly the Union Jack from Monday, 1989 May 15 to May 22 on the occasion of the proclamation of Royal Week.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The objective of the Monarchist League is to increase Canadians' awareness of our Monarchy.

FOR ACTION

4(e)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

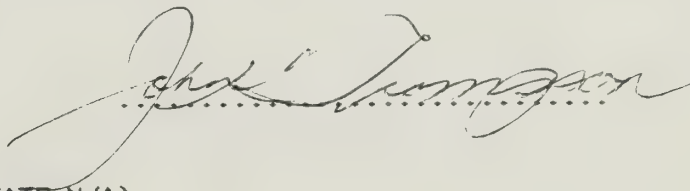
DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Estonian Society of Hamilton.

RECOMMENDATION:

That permission be granted to the Estonian Society of Hamilton to fly the Estonian flag from 1989 February 20 to February 27 to commemorate the 71st Anniversary of the Independence of Estonia.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

46)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

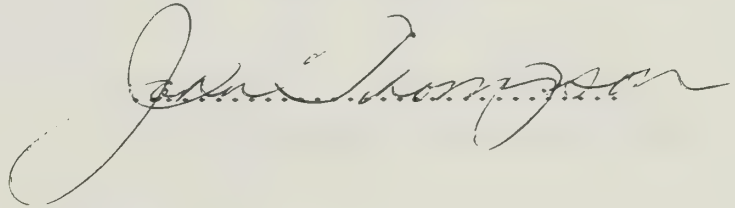
DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Red Cross Society.

RECOMMENDATION:

That permission be granted to the Red Cross Society to fly the Red Cross flag for the month of March in support of the Canadian Red Cross Society.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

5.

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

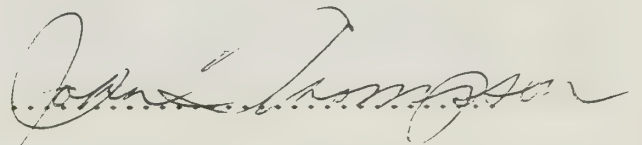
DATE: 1989 February 15
COMM FILE:
DEPT FILE:

SUBJECT:

Local 794, Canadian Union of Public Employees,
Workplace Accidents.

RECOMMENDATION:

That a one-minute cessation of work be observed by all City Hall employees on Friday, 1989 April 28 at 11:00 o'clock a.m. in recognition of all workers who have been killed, injured or disabled on the job.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Attached for the Committee's review is a copy of a letter from Local 794, regarding the Official Day of Recognition.

Attachment



cc. Mr. E. A. Simpson, City Clerk
Mr. John Thompson, Secretary - Legislation Committee
Mrs. Gwen Stupples
FEB 13 1989

LOCAL 794, CANADIAN UNION OF PUBLIC EMPLOYEES

HAMILTON CIVIC HOSPITALS UNION

231 BAY STREET NORTH, HAMILTON, ONTARIO L8R 2R1 • TELEPHONE 525-4242

President
Annette Gibson

Vice President
Mike Mitropoulos

Recording Secretary
Sam Henskovits

Treasurer
Frances March

Dues Secretary
Joanne Webb

February 10, 1989

Honourable Mayor Bob Morrow
City Hall
71 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Mayor Morrow:

Death and injury on the job are not just workers' problems. They concern management and the community as well. In 1988, there were more than 1,000 workplace fatalities and over 1/2 a million injuries on the job. As well, thousands of workers died of occupational diseases. The economic cost of these incidents is estimated by Labour Canada to be as high as \$20 billion per year.

But the statistics do not reveal the human costs behind work-related fatalities, injuries and diseases. Each statistic represents pain, suffering and sacrifice not just by immediate family, but by neighbours, co-workers and friends.

This loss often goes unrecognized by society. A police officer killed on the job is mourned publicly, often with official recognition from co-workers and the employer. But the workplace death of a hydro worker, hospital worker, truck driver, welfare worker, or countless others who serve society in less visible ways, goes virtually unnoticed. We in C.U.P.E. Local 794 think that is wrong.

We want to see an end to workplace accidents and fatalities. Recognition of the problem is a step towards a solution. The Canadian Labour Congress has established April 28th as the official Day of Recognition for workers killed or injured on the job. We are asking you to share your concern for the health and safety of workers by participating in the Day of Recognition.

Our request is that the City of Hamilton officially acknowledge April 28th as the Day of Recognition for workers who have been injured or killed on the job, and institute a one-minute cessation of work at 11:00 a.m. on that day to remember those workers. We also ask that flags be flown at half-mast on that day to give public recognition to workers killed or injured at work.

①

②

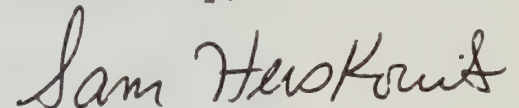
③

-2-

Bringing attention to the problem in a way visible to employees and the general public will remind workers, managers and the community of the need for safe and healthy workplaces. It will also serve as an incentive for all to work toward that goal.

Thank you for your consideration of this matter. We look forward to your early response.

Yours truly,

A handwritten signature in cursive script that reads "Sam Herskovits".

Sam Herskovits
Recording Secretary
C.U.P.E. Local 794

SH:am

6(a)

Corporation of the City of Hamilton

Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

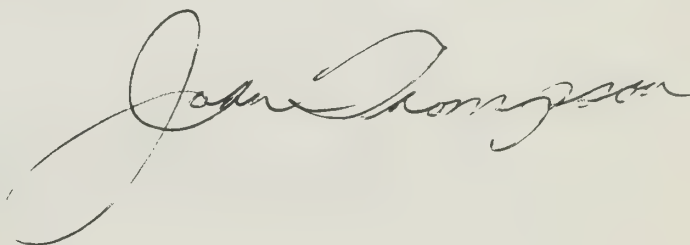
FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:
PHONE: 526-2729

SUBJECT: YOUNG OFFENDERS ACT

DATE: 1989 February 16

Sub-joined is a copy of a resolution dealing with a review of the "Young Offenders Act" which has been referred to the Legislation Committee by City Council at its meeting held 1989 January 31 for consideration and recommendation.



JT:mjw

- (a) That the Corporation of the City of Hamilton petition the Federal Government to review the "Young Offenders Act" with a view to making it mandatory for all charged with murder, to be tried in adult court; and
- (b) That a copy of this resolution be forwarded to all municipalities in Canada with populations of over 50 000, with the request that this resolution be endorsed.



Town of Newmarket

6(b)

OFFICE OF THE CLERK

THE OLD DAVIS TANNERY C
465 DAVIS DRIVE
P.O. BOX 328
NEWMARKET, ONTARIO
L3Y 4X7
Tel. 416-895-5193
Fax. 416-895-6004

HEART OF THE REGION OF YORK

RECEIVED

JAN 31 1989

January 27, 1989

CITY CLERKS

Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Please find enclosed for your consideration, a copy of Resolution R12-89 passed by the Council of the Corporation of the Town of Newmarket at its regular meeting held on January 9, 1989.

This resolution petitions the Minister of Municipal Affairs and the Premier of Ontario to consider amendments to the Municipal Act and The Municipal Elections Act to require candidates for municipal office to post a deposit as a condition of nomination for municipal Council. This resolution also requests the Association of Municipalities of Ontario to consider the appropriateness of same and to make recommendations in respect to the amount of such deposit.

We respectfully request your consideration and support of this resolution.

Please advise this office of your action with respect to this request.

Yours very truly,

Robert M. Prentice,
Town Clerk.

RMP:ps
(File: 18.9.1)



Town of Newmarket

OFFICE OF THE CLERK

THE OLD DAVIS TANNERY CENTRE
465 DAVIS DRIVE
P.O. BOX 328
NEWMARKET, ONTARIO
L3Y 4X7
Tel. 416-895-5193
Fax. 416-895-6004
January 9, 1989

Moved By:

Alan Humenick

Seconded By:

Lois Hall

RESOLUTION R12-89

WHEREAS it is in the best interests of the citizens of a municipality that candidates for municipal council are bona fide candidates;

AND WHEREAS the present requirements for candidates for municipal councils set out in the Municipal Act and the Municipal Elections Act do not specifically contain requirements in respect of bona fides;

AND WHEREAS every person duly qualified to be elected to municipal office should not be denied the opportunity to seek municipal office by reason of financial hardship;

AND WHEREAS candidates for election to the Parliament of Canada are required to post deposits as a condition of their nomination

AND WHEREAS it is considered appropriate that candidates for municipal council should be required to post a deposit as a condition of nomination;

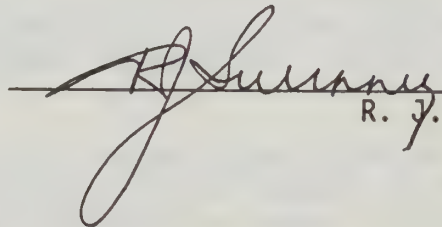
BE IT THEREFORE RESOLVED as follows:

1. That the Municipal Council of the Corporation of the Town of Newmarket supports the principle that candidates for municipal council should post a deposit as a condition of nomination for municipal council.
2. The amount of such deposit shall not be so large as to prevent a bona fide candidate for municipal council from placing his/her name in nomination.
3. That AMO be requested to consider the appropriateness of imposing a requirement for the posting of a deposit as a condition of nomination for municipal council and to make recommendations in respect of the amount of such deposit and the conditions for its return after a municipal election.

4. That other municipalities be requested to consider supporting and endorsing this Resolution.

5. That the Minister of Municipal Affairs is hereby petitioned, by copy of this Resolution, to consider amendments to the Municipal Act and The Municipal Elections Act, as appropriate, to implement this Resolution.

6. That Premier David Peterson is hereby petitioned, by copy of this Resolution, to direct the Minister of Municipal Affairs to place the appropriate amendments to the Municipal Act and to The Municipal Elections Act before the Legislature prior to the next municipal election so as to be in place prior to the next municipal election.


R. J. Twinney

FOR ACTION

7.

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Miss A. Schimmel
Director of Culture & Recreation

DATE: 1989 February 16
COMM FILE:
DEPT FILE:

SUBJECT: THE GILDA CINO ARTS AWARD

RECOMMENDATION:

- (a) That the recipient of the second annual Gilda Cino Arts Award be presented with the award just prior to the regular meeting of Council on Tuesday, April 25th, 1989.
- (b) That the City of Hamilton host a reception for approximately 75 people prior to the award presentation at Council in an appropriate location in City Hall.
- (c) That invitations, refreshments, and the award be provided within the budget guidelines.
- (d) That staff make the necessary arrangements to carry out the nomination process and award presentation.

(Miss) Audell Schimmel, Director
Culture and Recreation Department

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

One Thousand Dollars - (Budgeted in 1989 account 0373-1005 - "Receptions and Grants - Other Committees")

BACKGROUND:

- 1. See attached Terms of Reference and letter of request from Mr. Sam Cino.
- 2. The Nominating Committee will consist of Mr. Sam Cino, Mrs. Vincenza Travale, Ms. Liz Robinson, Mr. Tom Burrows, and Ms. Cheryl York.

MH/bs

Attachment

S. M. Cino, FCA
Chartered Accountant

152 JACKSON STREET EAST • HAMILTON, ONTARIO L8N 1L3
TEL. (416) 572-9355 FAX. (416) 572-7225

1989, February 15

Mr. John Thompson
Secretary, Legislation Committee
City Hall

Dear Mr. Thompson:

As you know Hamilton City Council approved the Terms of Reference for The Gilda Cino Arts Award on September 1, 1987. The actual presentation of this first annual award was organized around a gala evening which was held at the Convention Centre in June of 1988.

Although the Nominating Committee of which I was Chairman agree that the award be presented annually, it is felt that it would be more appropriate to honour the recipient before a regularly scheduled meeting of Council.

In conclusion, I would like to thank the City of Hamilton for the recognition given to the role of volunteers in the arts community.

Sincerely yours,



Mr. Sam Cino

SC:mp

MEMORANDUM • CITY OF HAMILTON

Marilyn Havelka
Cult & Rec.

TO : Alderman P. Valeriano

YOUR FILE:

FROM : S. K. Reeder, Secretary
Legislation Committee

OUR FILE :

SUBJECT : Gilda Cino Arts Award

DATE : 1987 September 4

I am pleased to advise that Hamilton City Council at its meeting held Tuesday, 1987 September 1 approved Section 7 of the Twelfth Report of the Legislation Committee as follows:

7. That the Terms of Reference for The Gilda Maria Cino Arts Award, attached hereto as APPENDIX "A", be endorsed.

THE GILDA CINO ARTS AWARD

PURPOSE

- to honour the memory of Gilda Cino for her contribution to the arts.
- to honour an individual in the community who has volunteered their time and efforts to the promotion of the arts and whose activities and contributions are in keeping with the achievements and volunteer spirit of Gilda Cino.
- to promote the Arts in the City of Hamilton.

TERMS OF REFERENCE

CRITERIA:

1. The award will be granted on a yearly basis to an outstanding, extraordinary individual in the community who contribution and efforts have improved and continue to promote the Arts within the City of Hamilton.
2. The candidate must be a volunteer associated with, and nominated by, an Arts organization.
3. The Arts organization must be based in the City of Hamilton.
4. The Arts organization may nominate one or more outstanding individuals.
5. The "Arts" will be broadly defined as an activity or expression of beauty including visual and performing Arts but not limited to dance, theatre, opera, orchestra, choral, photography, sculpture, painting, architecture, heritage.
6. The award to be given and presented yearly at an appropriate function.

7. The City of Hamilton will budget on a yearly basis for the promotion and advertising of the award as well as the cost of the award itself.

NOTE: It is estimated that the cost to the City for the first year's Award will be \$900.

PROPOSED PURPOSE:

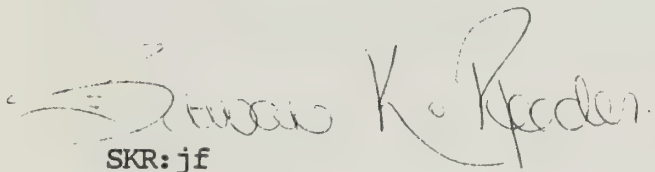
1. In order to determine an appropriate award a contest might be held within the Arts community inviting proposals for the design of such an award. This award to represent and encompass the broad scope of the Arts.
2. The City of Hamilton will publicly announce and encourage nominations for this award to the Arts community by October 31st. All nominations will be received by January 31st of the following year. The winner will be notified and announced in mid-March.
3. It is the responsibility of the nominating organization to submit a detailed profile of their candidate(s) listing their contributions and achievements in the Arts.
4. The nominating committee for the Gilda Cino Award should be recommended by a Selection Committee/Legislation Committee. For the first year it would be appropriate to request that Mr. Sam Cino Chair the nominating committee.
5. This nominating committee should consist of five citizen members, of which one might be a City of Hamilton staff resource person. Membership of the committee should be on a rotating basis.

PROPOSED PRESENTATION

1. It might be appropriate to present the award at an annual fund-raising dinner to be held in the memory of Gilda Cino. All proceeds from this dinner would/will be donated to the Gilda Cino Fellowships Scholarships administered by the St. Joseph's Hospital Foundation. This Scholarship is used towards Kidney Research.
2. It would be appropriate if the City of Hamilton could be represented at such a function.
3. This dinner would be held in a city owned and operated facility.
4. This annual dinner would in itself promote the Arts community. The opportunity could also be available to showcase or encourage performance by the Arts community.

As previously approved at the Legislation Committee at their meeting held Monday, 1987 August 17, it was agreed that you should be the City's representative on the Committee for nominations for this Award.

If I can be of any further assistance to you in the regard, please do not hesitate to contact me.

A handwritten signature in cursive script, reading "Steven K. Reader". The signature is written in dark ink and is positioned above the typed name "SKR:jf".

SKR:jf

c.c. Alderman V. J. Agro, Chairman, Legislation Committee
c.c. Marily Havelka, Manager of Heritage Services



CITY COUNCIL
HAMILTON, CANADA

8.

Alderman Vince Agro
Chairman — Legislation
Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2733 • RES. (416) 528-2009 — WARD 2

January 23, 1989

Memo to: Mr. J. Thompson, Secretary, Legislation Committee
From: Alderman Vince Agro, Chairman, Legislation Committee
RE: CODE OF CONDUCT BY-LAW

Attached is the Code of Conduct By-law that was passed by Regional Council.
Please bring this matter to the City's Legislation Committee for consideration.
VJA:sn
Attch.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO.

A Code of Conduct for Members of Council of the
Regional Municipality of Hamilton-Wentworth

WHEREAS Section 104 of the Municipal Act provides that every council may pass by-laws and make regulations for governing the proceedings of the council, the conduct of its members and the calling of meetings; and

WHEREAS Section 13 of the Regional Municipality of Hamilton-Wentworth Act R.S.O. 1980 provides that the Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings; and

WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth at its meeting held on Friday, September 30, 1988, received the report from the Special Committee on the Code of Conduct for members of Council; and

WHEREAS one of the recommendations of the report so received was that Council adopt by By-law a Code of Conduct as set out in that report; and

WHEREAS the Legislation and Reception Committee of the Regional Municipality of Hamilton-Wentworth at its meeting held on Tuesday, January 10, 1989 recommended the adoption of a Code of Conduct for the Members of Council of the Regional Municipality of Hamilton-Wentworth through By-law.

NOW THEREFORE, THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. Declaration of Policy

In a democracy, government should be open, accessible, equitable, and efficient. Democratic government requires that elected officials be independent, impartial, and responsible to the people. Government decisions and policy must be made through the appropriate channels of government structure. Public office must not be used for personal gain. The public must have confidence in the integrity of its government.

2. Declaration of Purpose

In order to strengthen the democratic operation of The Regional Municipality of Hamilton-Wentworth and to enhance public trust in that government, this Code supplements existing federal and provincial legislation in a manner consistent with that legislation. Members of Regional Council hold office for the benefit of the public and their conduct must be of the highest standard. Moreover, members must be seen to be acting in the public interest.

3. Definitions

In this By-law, the following words shall have the meanings as set out below:

(1) "Financial Disclosure Statement" means a written declaration of assets, liabilities, and income by members as required in 5(3) of this Code;

(2) "Member" means member of the Council of the Regional Municipality of Hamilton-Wentworth;

(3) "Official Duties" means those obligations consequent to being a member of Regional Council at law and as defined in provincial legislation and in by-laws of the Regional Municipality of Hamilton-Wentworth;

(4) "Personal Direct Holdings" means those holdings with which one has the ability to benefit and over which one has the power to direct, control, convert, invest, trade or govern;

(5) "Significant Interests in a Public Corporation" are holdings in excess of .1 of 1 percent of the shares of such a corporation;

(6) "Spouse" means:

One of two persons who,

a) are married to each other, or

b) have entered into a marriage that is void or voidable, in good faith on the part of such persons; and

One of two persons who are not married to each other and have cohabitated,

a) continuously for a period of not less than one year, or

b) in a relationship of some permanance, if they are the natural or adoptive parents of a child.

4. Prohibited Conduct

(1) Conflicts of Interest

- a) General - No Member shall engage in any activity, financial or otherwise, which is incompatible with the proper discharge of his/her Official Duties in the public interest.
- b) Specific - Without limiting the generality of 4(1)(a) the following behaviour is expressly prohibited:
 - i) No Member shall use information gained in the execution of his/her office that is not available to the general public for any purposes other than his/her Official Duties,
 - ii) No Member shall seek or obtain by reason of his/her office any personal privilege or advantage with respect to Regional services not otherwise available to the general public and not consequent to his/her Official Duties,
 - iii) No Member shall act as a paid agent before Council or a committee of Council or any agency, board or commission of the Regional Municipality of Hamilton-Wentworth,
 - iv) No Member shall use the services of Regional employees in work for his/her re-election during hours in which these employees are in the paid employment of the Region.

(2) Acceptance of Gifts and Hospitality

No Member shall accept gifts and/or hospitality which may have an undue influence on the exercise of his/her Official Duties.

5. Registration of Financial Disclosure Statements

- (1) a) A Member must file a Financial Disclosure Statement with the Regional Clerk within 60 (sixty) days after enactment of this By-law.
- b) Thereafter a Member must file a Financial Disclosure Statement with the Regional Clerk within 60 (sixty) days after his/her election.
- (2) Financial Disclosure Statements shall be kept in a Registry in the Regional Clerk's Office and shall be made available to the public during normal business hours.
- (3) The Financial Disclosure Statement shall apply to each member and shall include the following Personal Direct Holdings of the Member and his/her spouse:
 - a) Real estate holdings in the municipality; and
 - b) Mortgages directly held in the municipality; and
 - c) Shares in private corporations; and
 - d) Significant interests in public corporations;

and the following information:

- e) Names of every person, corporation or subsidiary, partnership, or organization from which remuneration of over \$1,000 per annum is obtained; and
- f) Names of creditor(s) where debt exceeds \$10,000.
- (4) Where, after the filing of a Financial Disclosure Statement a Member or his/her spouse disposes of or acquires an asset or liability mentioned in 5(3), the Member must file a further Financial Disclosure Statement disclosing the acquisition or disposal within 90 (ninety) days of that acquisition or disposal.

6. Enforcement

- (1) Complaints regarding contraventions of this Code must be in writing addressed to the Regional Clerk and may be made by any citizen including Members of Regional Council.
- (2) The Regional Commissioner of Legal Services shall have the responsibility for enforcing this Code.

7. Penalty/Fine

Any person; whether in person or through an agent, representative, or employee; who contravenes any section of this Code is guilty of an offence and on conviction is liable to a fine of not more than \$2000.

8. Distribution of the Code of Conduct

- (1) It is the responsibility of the Regional Clerk to deliver to each Member a copy of the Code of Conduct within 48 (forty-eight) hours of enactment of this By-law, and thereafter within 48 (forty-eight) hours of each Member's election.
- (2) The Regional Clerk shall make this Code available to any member of the public who requests a copy of it.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED THIS
DAY OF _____, 198 .

CHAIRMAN

CLERK



9.

CITY COUNCIL
HAMILTON, CANADA

Alderman David Christopherson

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 561-9508 — WARD 4

MEMO TO: Mr. J. Thompson, Secretary
Legislation Committee

FROM: Alderman D. Christopherson *DC*

DATE: 1989 February 15

SUBJECT: New Second Level Lodging House By-law

At the information meeting of the Legislation Committee which was held on Thursday, January 19, 1989, to review and consider the new Second Level Lodging House By-law, it was indicated that this matter would be brought back to a full meeting of the Legislation Committee early in March 1989.

Would you please place this matter before the Legislation Committee at its next regular meeting scheduled for 1989 February 20 in order that a date and time can be confirmed for a full review of the proposed Second Level Lodging House By-law.

DC/hm

SEMINAR

WEDNESDAY, APRIL 12, 1989

Toronto Airport Marriott Hotel
901 Dixon Road
Rexdale, Ontario

SALON D
Registration - 8:00 a.m.
Plenary - 9:00 a.m.

10.
RECEIVED

FEB 13 1989

CITY CLERKS

The Municipal Elections Act Campaign Expense Reports - Doing It Yourself

FORM 31 FINANCIAL STATEMENT AND
AUDITOR'S REPORT
(With audit: \$10,000 or more
received or spent)

FORM 32 FINANCIAL REPORT
(Without audit: between \$1,000
and \$10,000 received or spent)

The Municipal Elections Act requires that all elected municipal officials file campaign expense reports to the Provincial Commission on Election Expenses by June 30th.

This hands-on educational seminar for municipal councillors, clerks and chief returning officers will teach you how to fill out your own campaign expense forms and save dollars.

LEARN HOW TO:

- . Determine which forms you should file.
- . Fill out campaign election expense forms to save money, time and damaging publicity.
- . Fill out additional forms for the Candidate and the Clerk (Forms 33-38).
- . Ask the right questions and get the right answers.

(OVER)

SESSIONS:

1. **THE OVERVIEW:** Discover the position of both the candidate and city clerk in filing campaign expenses. Get an introduction to the forms used in filing campaign expense reports, their purpose and which ones are right for you.
2. **THE BREAKDOWN - FORMS 31 AND 32:** Learn what goes into filling out campaign expense forms. Form 31 is for expenses exceeding \$10,000 and must be signed by a licensed public accountant. Form 32 is for expenses between \$1,000-\$10,000 and may be filed by the chief returning officer.
3. **THE WORKOUT:** Attend workshops and learn how to fill out your particular expense report form. Get answers to specific questions and situations. Bring campaign information to the workshop - contributors and expenses and learn how to do it on the spot.
4. **THE FACTS:** Find out the position of the outside auditor and hear case examples of campaign expense reports gone wrong - and right. Ask questions and find out what you need to do to get yours right.

INVITED SPEAKERS:

VAUGHAN MINOR
Councillor, City of London
Chartered Accountant
Davis, Martindale & Co.

KEN SADLER
Clerk
City of London

BERNARD G. NAYMAN
Chartered Accountant
Nayman Grabowski Chartered Accountants

SPONSORED BY THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO



THE CORPORATION OF THE CITY OF HAMILTON

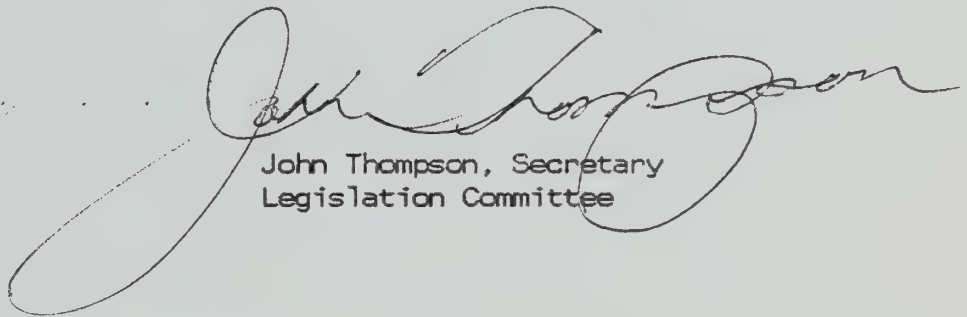
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

CAY ON HBL AOS
CSIL2

1989 March 02

NOTICE OF MEETING

Legislation Committee
Monday, 1989 March 06
9:30 o'clock a.m.
Room 233, City Hall



John Thompson, Secretary
Legislation Committee

JT:mjw

A G E N D A

1. Approval of the Minutes of the Meeting held 1989 February 20.
2. TRANSIENT VENDORS' LICENCES
 - (a) Memorandum from Alderman D. Christopherson, Chairman, Licencing Committee
 - (b) Staff Report originally prepared for the Licencing Committee relative to Transient Vendors
3. SECOND LEVEL LODGING HOUSE BY-LAW

Request from A. I. Cunningham, M.D., Medical Officer of Health to defer public meeting until 1989 May 01
4. MAYOR ROBERT M. MORROW
 - (a) Request to host luncheon - Shanghai Ballet
 - (b) Delegation to Japan, China and Hong Kong

5. PROCLAMATION FOR DAYLIGHT SAVING TIME6. CONSENT TO USE THE NAME "HAMILTON"7. REQUESTS TO FLY FLAGS AT CITY HALL

(a) AHEPA - Fly the Greek Flag

(b) United Croats of Canada, Hamilton Branch, Croatian Flag

8. USE OF CITY HALL FACILITIES

(a) Kidney Foundation of Canada, Hamilton and District Branch

(b) Hamilton Minor Hockey Council

9. RESOLUTIONS

(a) City of Windsor - Ontario Arts Council

(b) Unconditional Grants

(i) City of Waterloo

(ii) City of Windsor

(iii) Township of Kingston

10. ASSOCIATION OF MUNICIPALITIES OF ONTARIO - INFORMATION ITEMS

(a) Eighth Annual Conference of the Large Urban Section of the Association

(b) Special Meeting of the Membership of the Association to discuss recent actions of the Provincial Government regarding municipal funding

11. NEW BUSINESS12. ADJOURNMENT

OUTSTANDING ITEMS

LEGISLATION COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
1. Review Civic Award Policy and Regulations	1988 December 05	Legislation Committee	Report to Follow
2. Public Review of New Second Level Lodging House By-law	1989 January 19	Legislation Committee	Public Meeting Pending
3. Policy for Special and Public Meetings	1989 January 23	Staff	Report to Follow
4. Policy for Use of Council Chambers	1989 January 23	Staff	Report to Follow
5. Police Report on Licencing Function	1989 January 23	Regional Police	Report Pending
6. General Public Review of Licencing By-law No. 79-323 Re Taxis and Livery Vehicles	1989 January 23	Ad Hoc Sub-Committee	Review Pending
7. Regionalization of Bingo Lottery Licences	1989 January 23	Licencing Committee	Report to Follow

Monday, 1989 February 20
9:30 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present: Alderman V. J. Agro, Chairman
Alderman M. Kiss, Vice-Chairman
Mayor R. M. Morrow
Alderman D. Drury
Alderman G. Copps
Alderman F. Lombardo
Alderman T. Jackson
Alderman H. Merling
Alderman D. Ross

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. E. A. Simpson, City Clerk
Mr. S. J. Dembe, Manager, Licencing Division
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Lampman, Building Department
John Thompson, Secretary

1. WORKPLACE SMOKING LEGISLATION

The Committee was in receipt of a report of the Chief Administrative Officer dated 1989 February 15 recommending that the City of Hamilton proceed with its application for private enabling legislation to authorize City Council to enact a by-law to regulate smoking the private sector workplaces.

It was noted that once private enabling legislation is in place, a review will be undertaken of the enforcement provisions of the final draft of the proposed by-law to determine the impact, if any, on the Current Operating Budget Estimates of the Licencing Division of the City Clerk's Department which will be responsible for the enforcement of the proposed by-law. The review will also include provision for anticipated revenue from the sale of signs as well as fines received as a result of convictions made under the by-law.

The Committee also had before it a status report of Ms. L. Lawrence, City Solicitor's Office dated 1989 January 18 containing a brief comparison of Bill 194 and the City of Hamilton proposed legislation.

Mr. Robert J. Swenor, Vice-President, Personnel, Dofasco Inc. was in attendance and addressed the Committee on the City's proposed by-law respecting smoking in the workplace. He explained that Dofasco instituted a policy on smoking in the workplace in 1988 August 01. Dofasco's smoking policy is essentially as follows:

- (a) Smoking is prohibited in areas of general access; meeting rooms; offices designated by the occupants as non smoking; confined office spaces where reasonable accommodation cannot be made and other areas designated by supervision as non smoking areas.
- (b) Smoking is allowed in offices so designated by the occupants, and designated areas of lunch rooms and reception areas; in shared, open, well-ventilated office areas where no employee objects; in open, well-ventilated plant areas and finally in washrooms and locker rooms.

He proceeded to explain that in contrast, the City's proposed by-law would prohibit smoking except in "designated, enclosed, ventilated spaces" that are "set aside for use" by smokers. Employees would not be allowed to exercise freedom of choice determining whether or not smoking is to be allowed.

Smoking
in
the
Workplace
Legislation

Smoking
in
the
Workplace
Legislation

Currently, Dofasco's major concerns are as follows:

- (a) Prohibiting smoking in well-ventilated work areas occupied only by smokers would run counter to their approach based on employee consensus. They believe that to ban smoking in such areas would be strongly resented by employees who consensually agreed to allow smoking.
- (b) From a practical point of view, the by-law would require the creation of separate, designated smoking areas throughout all of their plants and offices which would entail considerable expense and disruption.
- (c) As drafted, the by-law would prohibit smoking in open, well-ventilated plant areas. Plant areas in their steel making operations tend to be very large, spacious structures and well-ventilated. In this regard, it is more akin to working outside than inside. Furthermore, employees usually do not work close to one another in plant areas. Especially in continuous operations such as the rolling mills, it is very difficult for employees to leave their immediate work area without providing relief. It is not feasible to contemplate smoking breaks in such circumstances.
- (d) More generally, the need to provide smoking breaks to employees would entail considerable time loss from work by some employees.

In conclusion, he strongly recommended that the City withdraw its proposed by-law on smoking in the workplace. He pointed out that in addition to their concerns that the general City approach is counter to the current consensus among their own employees, they now face the prospect of Provincial legislation that would create a confusing set of overlapping requirements.

The Committee also had before it a letter from Mr. W. G. Wright, Director, Employee Relations, Stelco Steel dated 1989 February 17 advising that Stelco Steel has a smoking policy in place which was agreed to through the Joint Union-Management Health and Safety Committee. In addition, they are finalizing a smoking policy for their various office complexes.

In Stelco's view, if the City proceeds with its own by-law, it would at this time overly complicate and confuse the policy formulation process and the enforcement process.

He recommended that the City withdraw its by-law as unnecessary at the present time to let all parties digest the Provincial law and get use to working under it. If this Act is found wanting, perhaps that is when the City should consider more restrictions based on experience under the Provincial Act.

The following persons also were in attendance and addressed the Committee in support of the City proceeding with its application for enabling legislation to pass its own by-law.

Mr. Michael Goodyear, Regional Cancer Centre

Ms. Anne Washington, Hamilton-Wentworth Lung Association

Ms. Linda McPherson, Heart and Stroke Foundation

Mr. Al Dalsto, Hamilton-Wentworth Non Smokers' Rights Association

Mr. Peter Hill

Hamilton-Wentworth and Hamilton General Hospital
Interagency Council on Smoking and Health

After hearing the depositions and following considerable discussion, the Committee directed Ms. Lawrence of the City Solicitor's Office to proceed with the City's application for private enabling legislation to authorize City Council to enact its own by-law to regulate smoking in the private sector workplace.

Recorded Vote: In favour - Aldermen Agro, Kiss, Lombardo, Copps, Jackson, Drury

Opposed - Alderman Merling

2. MINUTES

The minutes of the meeting held 1989 February 06 were received and adopted as circulated to the members.

3. ASSOCIATION OF MUNICIPALITIES OF ONTARIO - ANNUAL MEMBERSHIP FEE

The Committee was in receipt of a report of the Chief Administrative Officer dated 1989 February 15 recommending that the City of Hamilton's 1989 membership fee in the amount of \$10 630.72 be paid and that an additional amount of \$1 580 be included in the 1989 Current Budget Estimates of the City of Hamilton Memberships Account to complete financing of the payment of the 1989 fee.

It was noted that an amount of \$9 050 has been placed in the preliminary 1989 Current Operating Budget of the Legislative Division to cover the costs of the City's 1989 membership fee in A.M.O. Consequently, an additional appropriation of \$1 580 is required to cover full payment of the membership fee.

It was also noted that at its meeting held 1989 February 06, the Legislation Committee requested additional information on A.M.O.'s programs and activities.

In this regard the Secretary distributed, under separate cover, with the Committee's agenda, a copy of a letter from Mr. McDonald Dunbar, Executive Director, A.M.O. to which were attached various reports of A.M.O. including a copy of their most recent brief to the Province regarding the 1989 - 1990 Transfer Payment Announcement.

Following discussion, it was moved by Alderman Kiss, seconded by Mayor Morrow and carried that the following recommendations be presented to City Council for approval.

- (a) That the City Clerk be authorized and directed to remit payment to the Association of Municipalities of Ontario in the amount of \$10 630.72 for the City of Hamilton's 1989 membership fee.
- (b) That this cost be financed from Account No. CH56006-10001, City of Hamilton Memberships.

Note: Aldermen Copps and Jackson were recorded as opposed to the additional appropriation of \$1 580 required to cover full payment of the membership fee.

Smoking
in the
Workplace
Legislation

Adoption
of the Minutes
of the Meeting held
1989 February 06

AND
Annual
Membership
Fee

Garbage
Chutes -
Apartment
Buildings

4. GARBAGE CHUTES - APARTMENT BUILDINGS

The Committee was in receipt of a report from the Secretary of the Planning and Development Committee dated 1989 February 10 containing the following recommendations:

- (a) That City Council petition the Provincial Government to enact legislation to require the location and use of garbage chutes to be on all floors of apartment buildings.
- (b) That the above petitioning also be forwarded to the Ontario Building Code Committee.

Mr. Peter Lampman of the Building Department advised that implementation of the recommendations of the Planning and Development Committee would require an amendment to the Building Code regulations of the Ontario Building Code Act.

It was duly moved and seconded that the recommendations of the Planning and Development Committee be approved.

The recommendations of the Planning and Development Committee were lost on a tie vote and in accordance with established policy will now be submitted to City Council for its consideration and disposition.

Serbian
Eastern
Orthodox
Church -
Use of City Hall
Forecourt

5. SERBIAN EASTERN ORTHODOX CHURCH, "ST. NICHOLAS"

As outlined in a report of the Secretary dated 1989 February 15, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the Serbian Eastern Orthodox Church "St. Nicholas" to hold a short commemorative observance ceremony in the City Hall forecourt on Saturday, 1989 July 01 to commemorate the 600th Anniversary of the Battle of Kosovo, Serbia, Yugoslavia.

Canadian
Polish
Congress -
Fly Flag at City Hall
and
Use
City Hall
Council Chambers

6. CANADIAN POLISH CONGRESS, HAMILTON DISTRICT

As outlined in a report of the Secretary dated 1989 February 15, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the Canadian Polish Congress, Hamilton District to fly their national flag and to use the City Hall Council Chambers for a proclamation ceremony on Saturday, 1989 May 27 at 10:00 o'clock a.m. to 1:00 o'clock p.m.

Y.W.C.A. -
Annual Strawberry
Festival -
Use of Forecourt
and
City Hall
Equipment

7. Y.W.C.A. - ANNUAL STRAWBERRY FESTIVAL

As outlined in a report of the Secretary dated 1989 February 15, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the Y.W.C.A. to use the City Hall forecourt for their annual Strawberry Festival on Thursday, 1989 June 15 from 11:00 o'clock a.m. to 4:00 o'clock p.m. including the use of the following equipment.

- (a) City van to transport tables to and from Y.W.C.A.
- (b) City Hall chairs
- (c) Sound System
- (d) Piano
- (e) Distribution of flyers through the City Hall building

8. MONARCHIST LEAGUE OF CANADA

As outlined in a report of the Secretary dated 1989 February 15, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the Monarchist League of Canada, Hamilton and District Branch to fly the Union Jack from Monday, 1989 May 15 to May 22 on the occasion of the proclamation of Royal Week.

Monarchist
League
of
Canada -
Fly
Union Jack
at
City Hall

9. ESTONIA SOCIETY OF HAMILTON

As outlined in a report of the Secretary dated 1989 February 15, the Committee granted permission to the Estonian Society of Hamilton to fly the Estonian Flag at City Hall from 1989 February 20 to 1989 February 27 to commemorate the 71st Anniversary of the Independence of Estonia.

Estonian
Society
of
Hamilton -
Fly Flag
at City Hall

10. RED CROSS FLAG

As outlined in a report of the Secretary dated 1989 February 15, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the request of the Red Cross Society to fly the Red Cross flag for the month of March in support of the Canadian Red Cross Society.

Red Cross
Society -
Fly
Flag at City Hall

11. LOCAL 794, CANADIAN UNION OF PUBLIC EMPLOYEES,
ONE-MINUTE CESSATION OF WORK

As outlined in a report of the Secretary dated 1989 February 15, the Committee agreed to submit the following recommendation to City Council for approval.

That a one-minute cessation of work be observed by all City Hall employees on Friday, 1989 April 28 at 11:00 o'clock a.m. in recognition of all workers who have been killed, injured or disabled on the job.

One-Minute
Cessation
of
Work -
Local 794
C.U.P.E.

13. YOUNG OFFENDERS ACT

The Committee was in receipt of the following resolution which was presented to City Council at its meeting held 1989 January 31 and referred to the Legislation Committee for consideration and recommendation.

- (a) That the Corporation of the City of Hamilton petition the Federal Government to review the "Young Offenders Act" with a view to making it mandatory for all charged with murder, to be tried in adult court; and
- (b) That a copy of this resolution be forwarded to all municipalities in Canada with populations of over 50 000, with the request that this resolution be endorsed.

Alderman Agostino was in attendance and distributed the following resolution.

- (a) That the Federal Government undertake a major review of the Young Offenders Act and that this review also involve public hearings across the Country.
- (b) That as part of the review, the Federal Government consider making it mandatory for any juvenile over the age of 14 years old charged with murder to be tried in Adult Court.

Young
Offenders
Act

- (c) That a copy of the resolution be forwarded to all municipalities in Canada with a population of over 50 000 with the request that this resolution be endorsed and forwarded to the Federal Government.

Following discussion, it was duly moved, seconded and carried that the resolution referred to the Legislation Committee by City Council be received.

Note: Aldermen Copps, Lombardo and Jackson were recorded as opposed as they wanted to see the resolution implemented rather than received which results in no action.

Resolution -
Town
of
Newmarket

14. RESOLUTION - TOWN OF NEWMARKET.

The Committee agreed to recommend to City Council that the following resolution from the Town of New Market, be received.

WHEREAS it is in the best interests of the citizens of a municipality that candidates for municipal council are bona fide candidates;

AND WHEREAS the present requirements for candidates for municipal councils set out in the Municipal Act and the Municipal Elections Act do not specifically contain requirements in respect of bona fides;

AND WHEREAS every person duly qualified to be elected to municipal office should not be denied the opportunity to seek municipal office by reason of financial hardship;

AND WHEREAS candidates for election to the Parliament of Canada are required to post deposits as a condition of their nomination;

AND WHEREAS it is considered appropriate that candidates for municipal council should be required to post a deposit as a condition of nomination;

BE IT THEREFORE RESOLVED as follows:

- (a) That the Municipal Council of the Corporation of the Town of Newmarket supports the principle that candidates for municipal council should post a deposit as a condition of nomination for municipal council.
- (b) The amount of such deposit shall not be so large as to prevent a bona fide candidate for municipal council from placing his/her name in nomination.
- (c) That AMO be requested to consider the appropriateness of imposing a requirement for the posting of a deposit as a condition of nomination for municipal council and to make recommendations in respect of the amount of such deposit and the conditions for its return after a municipal election.
- (d) That other municipalities be requested to consider supporting and endorsing this resolution.
- (e) That the Minister of Municipal Affairs is hereby petitioned, by copy of this resolution, to consider amendments to the Municipal Act and The Municipal Elections Act, as appropriate, to implement this resolution.
- (f) That Premier David Peterson is hereby petitioned, by copy of this resolution, to direct the Minister of Municipal Affairs to place the appropriate amendments to the Municipal Act and to The Municipal Elections Act before the Legislature prior to the next municipal election so as to be in place prior to the next municipal election.

15. GILDA CINO ARTS AWARDGilda
Cino
Arts
Award

As outlined in a report of the Secretary dated 1989 February 15, the Committee agreed to submit the following recommendations to City Council for approval.

- (a) That the recipient of the second annual Gilda Cino Arts Award be presented with the award at the regular meeting of City Council on Tuesday, 1989 April 25.
- (b) That the City of Hamilton host a reception for approximately 75 people prior to the award presentation at the meeting of City Council in an appropriate location in City Hall.
- (c) That the cost for invitations, refreshments and the award be provided within the budget guidelines and charged to Account No. CH53110-84010, the Gilda Cino Arts Award.
- (d) That staff make the necessary arrangements to carry out the nomination process and award presentation.
- (e) That the Terms of Reference for the Gilda Cino Arts Award adopted by City Council September 1987 be amended by deleting Sections 1, 2, 3 and 4 of the Presentation Guidelines which provides for an annual fund raising dinner and substituting in lieu thereof the following.

"That the annual Gilda Cino Arts Award be presented at a regular meeting of City Council following a reception hosted by the City of Hamilton to be held in City Hall."

16. CODE OF CONDUCT - PREPARATION OF DRAFT BY-LAWCode
of
Conduct -
Preparation
of
Draft
By-law

The Committee was in receipt of a copy of the Code of Conduct By-law that was recently passed by Regional Council.

It was moved by Alderman Drury, seconded by Alderman Kiss that a Code of Conduct By-law for members of Hamilton City Council be enacted incorporating all aspects of the Regional By-law.

It was subsequently moved by Alderman Merling, seconded by Alderman Lombardo and carried that all spousal references in the section dealing with the Financial Disclosures Statement as contained in the Regional By-law be deleted from the proposed City By-law.

Recorded Vote: In Favour Aldermen Agro, Lombardo, Jackson, Merling,
Ross

Opposed Aldermen Kiss, Drury, Copps

The Committee also agreed to table the section dealing with enforcement procedures pending receipt of a report from the City Solicitor containing recommendations on how the proposed Code of Conduct By-law for the City of Hamilton should be enforced.

Following discussion, it was moved by Alderman Merling, seconded by Alderman Lombardo and carried that the proposed Code of Conduct By-law for City Council be approved as amended.

Recorded Vote: In Favour Aldermen Agro, Lombardo, Jackson, Merling,
Ross

Opposed Aldermen Kiss, Drury, Copps

Hamilton
Status
of
Women
Sub-Committee -
Citizen
Appointments

17. HAMILTON STATUS OF WOMEN COMMITTEE - CITIZEN APPOINTMENTS

The Committee approved the following citizen appointments to the Status of Women Sub-Committee for a term of office to expire with the term of City Council.

Elizabeth Kobayashi
Thelma McGillivray
Mary McKenzie
Deborah Barfknecht
Barbara Chambers
Denise Papaiz
Shirley Molat

Lynda Morris
Agnes Samson
Catherine Sindall
Mary Sullivan
Janice Tomkins
Suzanne Cornforth
Elizabeth Avetissian

Proposed
Second
Level
Lodging
House
By-law

18. PROPOSED SECOND LEVEL LODGING HOUSE BY-LAW

The Committee was in receipt of a memorandum from Alderman David Christopherson dated 1989 February 15 requesting that the Legislation Committee schedule a full meeting of the Committee to review the proposed Second Level Lodging House By-law.

The Committee agreed to hold a public meeting on the Second Level Lodging Housing By-law at its regularly scheduled meeting to be held Monday, 1989 March 20, 9:30 o'clock a.m. in the Council Chambers.

AMO -
Municipal
Elections
Act -
Campaign
Expense Reports

19. ASSOCIATION OF MUNICIPALITIES OF ONTARIO - MUNICIPAL ELECTIONS ACT

The Committee received a circular distributed by A.M.O. dealing with to be held 1989 April 12 on the Municipal Elections Act - Campaign Expense Reports.

Transient
Vendors

20. TRANSIENT VENDORS

Alderman Copps explained that the Licencing Committee has scheduled a public meeting on 1989 March 15 to receive public input regarding transient vendors. The Licencing Committee intends to consider a report which deals with the impact that transient vendors have on established businesses within the City. The report contains a number of recommendations which would have the effect of giving the City greater control over the regulation of these persons.

Alderman Copps submitted that the Legislation Committee should deal with matters that may require amending or enacting legislation.

Mr. Simpson agreed to investigate this matter further and report back to the Committee.

Adjournment

The meeting then adjourned.

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1989 February 20

Typed by M. J. Walton



CITY COUNCIL
HAMILTON, CANADA

Alderman David Christopherson

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 561-9508 — WARD 4

MEMORANDUM:

TO: Mr. John Thompson
Secretary
Legislation Committee

FROM: Alderman David Christopherson *[Signature]*
Chairman
Licencing Committee

DATE: February 27, 1989

RE: TRANSIENT TRADERS' LICENCES

I understand that at the last meeting of the Legislation Committee, there was some discussion around the notice of a public meeting by the Licencing Committee regarding the Transient Traders' Licencing issue.

As the attached correspondence will confirm, there has been a great deal of concern in our community with regard to this issue and many requests were received last year for a thorough review. As a result, the Legislation Committee requested the Licence Committee hold a public meeting and report back (copy of July 18, 1988 Legislation Committee minutes attached).

However, in light of the committee's concerns, we have contacted the individuals involved and advised them that we will not be conducting the public meeting and by virtue of this memorandum, return the matter to the Legislation Committee for their attention and consideration.

DC:nb
Attch.

c.c. - Members, Licencing Committee

- Mr. Steve Dembe
Licence Administrator

7 Barking Dogs Disturbing Neighbours

The Committee was in receipt of a memorandum from Alderman John Gallagher dealing with the ongoing problem of inconsiderate dog owners allowing their dogs to create a disturbance for their neighbours as a result of their barking.

Mr. Jim Ford of the Health Department was in attendance and advised that the Courts have decreed that, for the purpose of giving evidence as a witness with respect to disturbing noises, not less than 3 neighbours constitutes a neighbourhood. At the present time, 3 people in a neighbourhood are required to testify as witnesses in court before charges can be laid under the appropriate section of the Health By-law.

Following consideration, the Committee agreed to recommend to City Council that the City Solicitor be authorized and directed to prepare a by-law to amend Section 707-3(b)ix of Health By-law No. 4798 by deleting the words "the neighbourhood" in the last line and substituting in lieu thereof the words "a neighbour".

8. Distribution of Handbills

Alderman Merling advised the Committee that he has received several complaints from residents that the distribution of handbills in residential neighbourhoods is creating a litter problem.

The Committee directed that the Manager of the Licencing Division review the present licence regulations for handbill distributors to see if there are any restrictions that could possibly be implemented to better control this increasing problem. In discussion, it was suggested for example that it might be possible to place restrictions on the applicant with respect to the number and hours of delivery. The Manager of the Licencing Division was directed to report back to the Committee when he has completed his review.

9. Transient Vendors

At the request of Alderman Murray, the Committee agreed to request that the Licencing Committee hold a public meeting early this Fall to give all interested persons an opportunity to present their views and concerns regarding the by-law to regulate and licence "Transient Vendors" and report back to the Legislation Committee.

With respect to transient vendors, Alderman Gallagher advised that shopping malls fall within the Designated Site Plan Control Area within the City of Hamilton thus requiring a minimum number of parking spaces. Site Plan Control infractions may be occurring if parking spaces are being rented to transient vendors inasmuch as the site plans require that a certain number of parking spaces be provided on a permanent basis.

10. Farmers' Market Sub-Committee - Sale of Bulk Pet Food

As recommended by the Farmers' Market Sub-Committee, the Committee agreed to recommend to City Council that the City Solicitor be authorized and directed to prepare a by-law to amend Market By-law No. 81-180 to provide for the sale of bulk pet food at the Hamilton Farmers' Market.

Barking Dogs
Disturbing
Neighbours

Distribution
of
Handbills

Transient Vendors

Farmer's Market
Sub-Committee -
Sale
of
Bulk Pet Food

ROBERT M. MORROW
MAYOR



JUN 20 1988

June 15th, 1988

Mr. Bill Wear, President
Wear's Flowers
1814 King Street East
Hamilton, Ontario
L8K 1V7

Dear Bill:

Thank you for your letter dated June 6th, regarding a street vendor at Rosedale Plaza.

I have taken the liberty of referring your letter to the Licencing Committee asking that they give you an opportunity to appear before them in the fall and I am sure you will hear from someone shortly.

Again, thank you for apprising me of this situation.

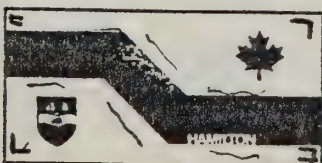
Yours very truly

RM

Robert M. Morrow
Mayor
City of Hamilton

RMM:tt

cc. Mr. Stephen Dembe, Secretary - Licencing Committee
Council Members



City Hall,
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone (416) 526-2790



WEAR'S FLOWERS

1814 KING ST. EAST • Tel. 544-4906

June 6, 1988

HAMILTON, ONTARIO L8K 1V7

JUN 13 1988

Alderman David Christopherson
City of Hamilton
Main Street West
Hamilton, Ontario L8N 3T4

Dear Alderman Christopherson:

In response to the copy of a letter you sent to Mr. William Hilbert of Rosedale Hardware regarding a street vendor at Rosedale Plaza, I would like to make the following comments.

I am well aware that operators are licensed by the City of Hamilton, however, that does not right the situation. These vendors move into Hamilton, primarily at Easter and Mother's Day, pay their \$500 fee and set up shops. This situation hurts all flower shops and garden centre businesses. The vendor's customers are then unable to justify our situation, - the cost of operating a year round business with staff salaries, taxes, maintenance, upkeep and on-going support to the customer. Their customer sees only the cost of cheap flowers without taking into consideration problems that may occur with their plant or flowers following that sale. It is not unusual for the vendor's customer to come into our shop and seek advice about their purchase and to ask us to "dress up their plant" and the procedure to maintain it. Where is the street vendor if there are other problems that develop after their purchase? They have disappeared! In short they give our industry a bad name.

I own a flower and garden centre business and have operated in this city for thirty-one years. Our taxes to the City of Hamilton now stand at approximately \$1,000 per month, and we are open all year long to serve the citizens of Hamilton. The vendors do not even live in our region.

If a tourist with a camper or motor home were to drive into Hamilton, they would not be allowed to park overnight in a plaza or parking lot. However, the invading vendor is allowed to park a trailer on site, put up a portable toilet, stay for six to eight weeks and take away business that is completely unjustifiable during our industry's peak periods.

On behalf of others in the industry, may I request time on City Council's agenda this fall to discuss our concern with you. I feel the problem is getting out of hand and hopefully a successful conclusion may be the result which follows further discussion of this matter with the Council.

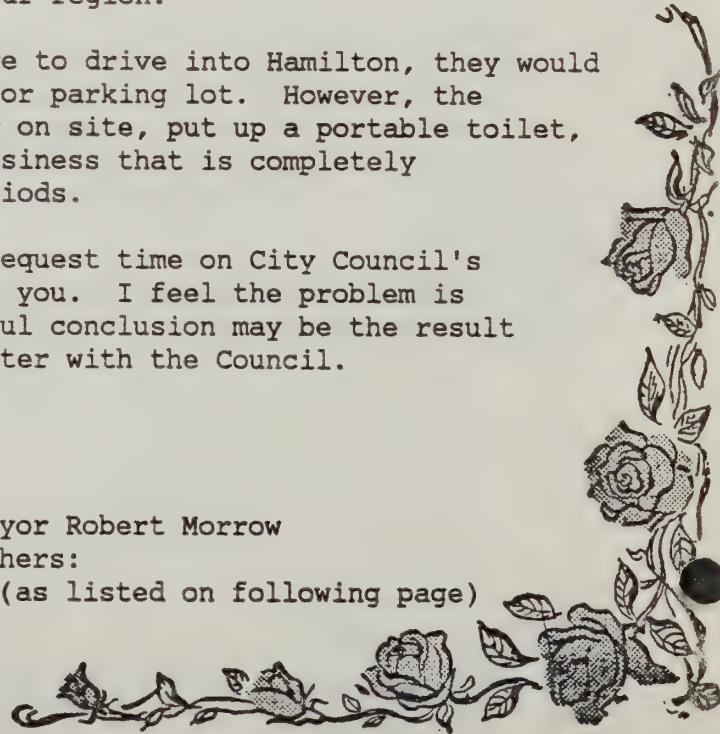
Thank you for this consideration.

Yours truly

Bill Wear

William Wear
President, Wear's Flowers
/d

Copy to: Mayor Robert Morrow
Others:
(as listed on following page)



"Flowers Wired Anywhere"

Howard's Flower Shoppe



545-3353

84 OTTAWA ST N HAMILTON, ONT. L8N 3Z1

Bouquets Cut Flowers & Plants
Distinctive Floral Designs

June 23, 1988

Mr. David Christopherson
Alderman, Ward 4
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Dear David:

I would like to take advantage of the initiative taken by Wear's Flowers in addressing the concerns we as fellow florist have regarding "street vendors" in the city of Hamilton.

It is my understanding that the city of Hamilton has seen fit to allocate as \$500.00 license to street vendors. This fee entitles the licensee to set up operations at just about any location in the city and doesn't limit the said amount of locations.

The issues here I believe are permanence and continuation. We at Howards Flower Shoppe are proud to be in Hamilton and have been here since 1946 - 42 yrs. As our existence is ensured by the continuance of City of Hamilton services we in turn pay our taxes, realty, business and B.I.A. We provide employment and in turn our employees pay taxes and send their earnings in Hamilton, thus as we say the wheel turns both ways.

I truly believe in a democratic society and free enterprise, and I also believe in fairness.

I would like to see the "street vendors" license be altered in such a manner that the licensees has the same responsibility as a permanent business operating in Hamilton.

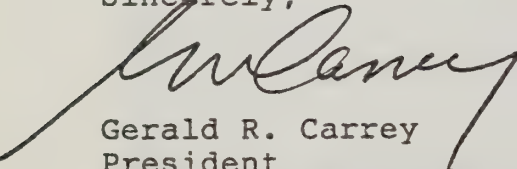
The street vendors should be responsible in generating an equal tax injection for each location he wishes to operate, he should also have to respect the hiring and compensation for local people and be accountable for his product and services.

. . . /2

I have no solution that will deal with this question with equity and fairness. I would suggest that the issue of street vendors be sent to the licensing committee for a revision and that a committee setup recommendations that will be both acceptable and fair to all involved.

I would like to take this opportunity to offer my help in seating with the licensing committee to express my feeling on the street vendor situation.

Sincerely,



Gerald R. Carrey
President
Howards Flower Shoppe

cc. Mayor Robert Morrow
Terry Cooke, Ward 1
Mary Kiss, Ward 1
Vince Argo, Ward 2
Bill McCulloch, Ward 2
Pat Valeriano, Ward 3
Brian Hinkley, Ward 3
Geraldine Copps, Ward 4
Reg Wheel, Ward 5
Dominic Augstino, Ward 5
John Smith, Ward 6
Paul Cowell, Ward 6
John Gallagher, Ward 7
Henry Merling, Ward 7
Tom Murray, Ward 8
Don Ross, Ward 8
Mr. Bill Wear
Hamilton & District Florist Association



EUROPE PRINTING SERVICE LTD.

1931 KING STREET EAST — HAMILTON, ONTARIO L8K 1V9

416 - 549-2342

July 14th, 1988

Hamilton, Ontario

Mr. David Christopherson,
Alderman, Ward 4,
City Council,
71 Main St.,
Hamilton, Ontario
L8N 3T4

Dear Mr. Christopherson:

Re: Street Flower Vendors and Owners of Flower Shops

I agree action should be taken against the street flower vendors, I support Bill Wear's concerns, as well as the concerns of other florists. If vendors wish to continue to survive how will that affect the owners of other flower shops in the Hamilton-Wentworth region and the consumer in general?

The street vendor's investment is inexpensive in comparison to the owners of flower shops. It is unfair competition! "True consumer benefits come from competition among many small business, not a few street vendors.

Yours truly,

Louise/Geza Gabric
Owners

JUL 06 1988

Mr. David Christopherson
Alderman, Ward 4
City Council
71 Main St.
Hamilton, Ontario
L8N-3T4

Dear Mr Christopherson:

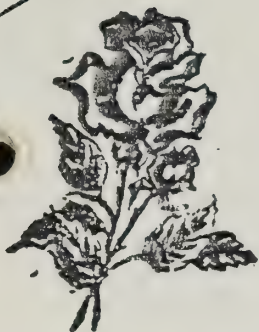
Re: Street Flower Vendors and Owners of Flower Shops .

I agree action should be taken against the street flower vendors, I support Bill Wear's concerns, as well as the concerns of other florists. If vendors wish to continue to survive how will that affect the owners of other flower shops in the Hamilton-Wentworth region and the consumer in general?

The street vendor's investment is inexpensive in comparison to the owners of flower shops. It is unfair competition! "True consumer benefits come from competition among many small business, not a few street vendors.

Yours truly,

[Handwritten signature]



AUG 11 1988



Jean's Flower Shop Inc.

509 UPPER WELLINGTON STREET
HAMILTON, ONTARIO L9A 3P6

TELEPHONE 383-2116

AUGUST 09 1988.

ALDERMAN MERLING
CITY OF HAMILTON
MAIN STREET WEST
HAMILTON ONTARIO L8N 3T4

DEAR ALDERMAN MERLING,

FURTHER TO OUR RECENT CONVERSATION REGARDING STREET VENDORS IN THE CITY OF HAMILTON, I WOULD LIKE TO ADD A FEW THINGS. AS YOU ARE AWARE OUR BUSINESS HAS BEEN OPERATING ON THE MOUNTAIN FOR ALMOST 30 YEARS AND HAS ALWAYS BEEN A STRONG SUPPORTER OF THE CITY OF HAMILTON. THE STREET VENDORS ARE GYPSIES WHO SLIP INTO THE CITY AT PRIME FLOWER DEMAND SEASONS, TAKE THE GRAVY AND SLIP OUT AGAIN. THEY CONTRIBUTE NOTHING TO THE WELL BEING OF THE CITY. THEY ERRECT HAND PAINTED SIGNS ATTACHED TO TELEPHONE POLES ETC., SELL POOR QUALITY PRODUCT AND IF THE CONSUMER AS A PROBLEM THE VENDORS ARE GONE BEFORE THEY CAN GO BACK TO COMPLAIN. WHY ARE THEY ALLOWED TO SET UP SHOP ON EMPTY LOTS, SERVICE STATIONS AND 7-11 STORES? I BELIEVE THAT IT IS TIME THE CITY TOOK SERIOUS ACTION TO PREVENT STREET VENDING AND REQUEST THAT I BE PERMITTED TO APPEAR BEFORE CITY COUNCIL ALONG WITH OTHER MEMBERS OF OUR INDUSTRY TO FUTHER DISCUSS OUR CONCERNS WITH YOU.

YOURS TRULY

WILLIAM DALTON.
JEAN'S FLOWER SHOP



Chedoke Flowers & Gifts

945 Garth Street, Hamilton, Ontario L9C 4L3
Tel. 387-5773 383-9396

June 23, 1988

Mr. Tom Murray
Alderman Ward 8
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Mr Murray:

At a meeting of the Hamilton and District Florist Association I was made aware of the "street vendor" situation in the City of Hamilton pertaining to the floral industry.

After hearing of the situation as expressed by my fellow florist, I would like to be counted as in favor of changing the "street vendor" licensing policy.

I find it discomfoting and upsetting, that the City of Hamilton licensing committee is issuing "street vendor's" permits at the set fee of \$500.00 which enables the licensee as many locations anywhere in the City. These "street vendors" descend on Hamilton at the most opportune of times, sell their wears and disappear within a matter of weeks.

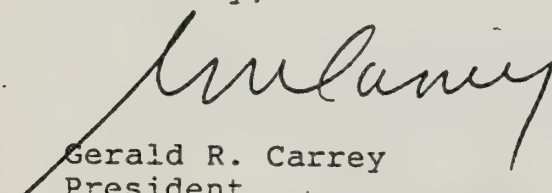
I am a business operator in the City of Hamilton not only do I pay taxes I must answer to my clientele, I also hire local people who in turn spend their earnings in the community and they in turn pay taxes.

. . . /2

. . . /2

I request that you entertain this matter with your fellow aldermen and ask that the licensing committee return this "street vendor" to a sub committee to study a fair solution to our problem. I would like to express my readiness in seating on this proposed sub committee as a florist and local businessman.

Sincerely,



Gerald R. Carrey
President
Chedoke Flowers & Gifts.

cc. Mayor Robert Morrow
Terry Cooke, Ward 1
Mary Kiss, Ward 1
Vince Argo, Ward 2
Bill McCulloch, Ward 2
Pat Valeriano, Ward 3
Brian Hinkley, Ward 3
Geraldine Copps, Ward 4
✓ David Christopherson, Ward 4
Reg Wheeler, Ward 5
Dominic Augstino, Ward 5

John Smith, Ward 6
Paul Cowell, Ward 6
John Gallagher, Ward 7
Henry Merling, Ward 7
Don Ross, Ward 8
Mr. Bill Wear
Hamilton & District Florist
Association

Fred Gregory  *Florist*

217 Ottawa Street North
Hamilton, Ontario
L8H 3Z4
Telephone: (416) 544-8428

June 20, 1988

Alderman Pat Valeriano
City of Hamilton
Main Street West,
Hamilton, Ontario L8N 3T4

Dear Alderman Valeriano

Re: Street Vendors.

I do want to take this opportunity and support my florists friends on bringing up the issue of street vendors.

In our immediate area alone, on Easter and Mother's Day weekends, we had at least 10 vendors selling flowers and plants at service stations or street corners parking lots. Main & Ottawa, King & Ottawa several on Queenston Rd. just to mention a few and not even touching the rest of the city.

Fred Gregory Florist has been operating on Ottawa Street since 1934. We have provided full time employment to our staff as well as a steady stream of business taxes to the City of Hamilton; not only 2 or 3 weekends a year.

We consider unfair practice to allow someone from out of town, to come in our city, and for a fee of \$500.00 a licence could have has many corners as they wish and further more they offer no follow up service or guarantee on their product performance.

We are well aware of performance problems from those vendor's products resulting in bad name for our industry.

Hoping that I count on your support in resolving this matter.

Yours Truly

Edith Desmarais

216

Corporation of the City of Ha

Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

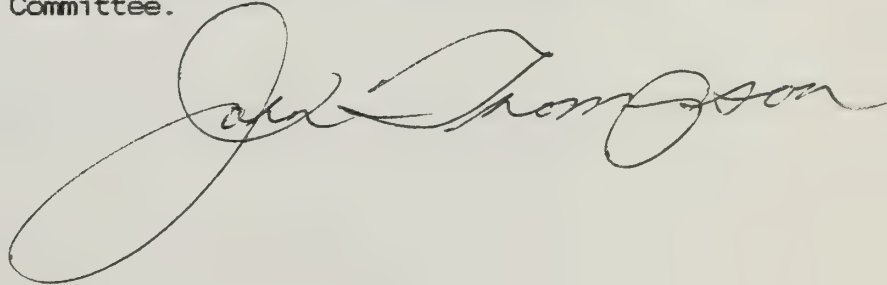
OUR FILE:
PHONE: 526-2729

SUBJECT: TRANSIENT VENDORS

DATE: 1989 March 2

Attached for the information of the Legislation Committee is a copy of a report originally prepared for the Licencing Committee by the staff of the Licencing Division regarding the Transient Traders' Licencing issue.

This report was tabled at the Licencing Committee meeting held 1988 December 21 pending a public meeting by the Licencing Committee and has now been referred to the Legislation Committee.



JT:mjw

Attachment

TRANSIENT TRADERS IN THE CITY OF HAMILTON

Schedule 22 of the City of Hamilton Licensing By-law 79-323 provides for the licensing, regulating, and governing of transient traders. As defined in the by-law, a "transient vendor" means a transient trader and every other person,

(1) whose name has not been entered on the Assessment Roll in respect of business assessment for the current year, and who offers goods, wares or merchandise for sale by auction, conducted by himself, or by a licensed auctioneer or otherwise, or who offers items for sale in any other manner; or

(2) who after the return of the Assessment Roll commences to carry on business in the premises of which he is liable for business assessment.

BACKGROUND HISTORY:

In 1974, the Regional Municipality of Hamilton-Wentworth Act was passed. It gave the City of Hamilton the authority to license Transient Traders. Section 160 of the Act gave the City the ability to pass any by-law that a Board of Commissioners of Police of a City is authorized to pass under the Municipal Act. (R.S.O. 1980, C.437, S.160) Under paragraphs 16 and 17 of section 232 of the Municipal Act, in cities having a population of 100,000 or more, a Board of Commissioners of Police has the authority to licence Transient Traders.

The City of Hamilton has been receiving complaints regarding transient traders since 1976. In the intervening years, the City has asked the responsible provincial Minister to change the Transient Traders provisions of the Municipal Act.

At the same time, the Transient Trader business has grown in both size and number. This business did not pay business tax within the community and the applicable licence fee of \$500.00 was not considered adequate for many of the large vendors. Local businessmen wanted the opportunity to compete on an equal basis with these traders.

As a result, Section 22 regulating Transient Traders was amended. On March 29, 1983, a new By-law, 83-104, was passed by the Corporation of the City of Hamilton. It repealed the existing Schedule 22 of Licence By-law 79-323 and provided new regulations for the licensing, regulating and governing of Transient Traders.

These new regulations include the following: (See Appendix A)

- (1) A description of the classes of the goods to be sold;
- (2) The manner, method or technique of offer for sale;
- (3) The date of commencing and closing of sale;
- (4) The location of where the sales take place;
- (5) The name and address of each person working;
- (6) Description and percentage of goods, wares or merchandise sold or unsold;
- (7) The licence fee: \$500.00 for one year

In 1984, By-law 84-244, Section 10, was passed to amend By-law 83-104 respecting Transient Traders. It changed the licence fee for Transient Traders to \$500.00 for a three-month period. (This licence covers the entire business operation which may consist of 20-30 locations).

RECOMMENDATIONS TO THE PROVINCE:

On October 26, 1983, the following was adopted by City Council:

4. That the Minister of Municipal Affairs and Housing be requested to amend the Municipal Act by adding the following provisions for the licensing and regulating of transient traders by municipalities:

The City of London will only issue a Transient Trader licence to an individual from outside London who is setting up a new business. The fee is \$500.00 which goes towards the business taxes until the business is on the Assessment Roll. For those who wish to sell from private property only, a Pedlar's licence is required at a cost of \$100.00 a year for a resident of London and \$500.00 per year for a non-resident.

The City of Ottawa requires a fee of \$500.00 for 3 months for a Transient Trader who must be carrying on the business at a specific location. The cost of the goods will determine if the transient trader requires this type of licence, for example, the sale of fur coats or carpets. Any new store which opens is required to take out this type of licence and a credit will go to the business tax. In contrast, an itinerant seller can move about from place to place or be located from a particular location. These are mostly street vendors who sell jewelry and flowers. They are regulated as to where they can sell, for example, they must be 9 meters away from the intersection in the downtown area and they are not permitted to sell in residential areas. The fee is \$200 a year if located on private property; \$325.00 a year if located on the street and \$325.00 a year if using a motor vehicle.

The City of Hamilton Transient Traders By-law has been described as progressive as compared to other municipalities.

TRANSIENT TRADERS IN THE CITY OF HAMILTON (1988)

The following is a list of Transient Traders licensed during 1988:

- National Art Enterprises: Has renewed his licence for the past 3 years
- Hertz Canada Limited: Licensed for the past 3 years
- Ronald Van Impe: Flowers: Licensed for at least 5 years
- Richard Urban: Flowers: Licensed for at least 5 years
- Leonard Alboini: Flowers: Licensed for at least 5 years
- International Computer Clearance Warehouse (Royal Connaught)
- Progressive Imports (1625 Upper James Street)

LETTERS OF COMPLAINT

In June 1988, the following businesses presented letters to the Licensing Committees and members of City Council expressing their concerns regarding Transient Traders operating in the City of Hamilton. (See Appendix C)

1. Fred Gregory Florist, 217 Ottawa Street North, Hamilton
2. Chedoke Flower & Gift, 945 Garth Street, Hamilton
3. Howard's Flower Shoppe, 84 Ottawa Street North, Hamilton
4. Wear's Flowers, 1814 King Street East, Hamilton
5. Ottawa Street Improvement Area, 366-1/2 Ottawa Street, North, Hamilton
6. Jean's Flower Shop, 509 Upper Wellington Street, Hamilton
7. Fur Council of Canada - Montreal, Quebec

These businesses have made the following recommendations:

1. That the Licence Fee of \$500.00 for 3 months is too low for the time period and should be adjusted.
2. That the Transient Trader should have the same responsibility as a permanent business operating in Hamilton.
3. That the Transient Trader should be restricted as to their location and that there should be equal taxation based on location.
4. That the Transient Trader should be held responsible for the goods they sell. In some cases the permanent business is blamed for the actions of a Transient Trader.

- (a) To prohibit transient traders or classes of them and classes of goods.

or

- (b) To fix the terms and conditions under which transient traders or classes of them are permitted to operate.
- (c) To define classes of transient traders and goods.
- (d) To stipulate classes of transient traders that may operate in any municipality and classes of goods that may be sold.
- (e) To stipulate locations at which transient traders can operate and require a separate licence for each location to provide exemption for classes of goods and services.
- (f) To require transient traders to pay fees in such amounts of formulae as the municipality may determine, for licences for different classes of transient traders and different classes of goods and services.
- (g) To require transient traders or classes of them to be bonded.
- (h) To provide a maximum penalty of \$2,000.00 for every person, and for every director or officer of a corporation.
- (i) To provide a maximum penalty of \$25,000.00 where a corporation is convicted.

The Province has yet to amend the provisions of the Municipal Act that regulate Transient Traders.

THE CONCERNS OF LOCAL BUSINESSMEN

There are a number of concerns that local Hamilton businesses brought to our attention in the 1970s, which have persisted to this day:

- (1) By operating on Sunday, and holidays, the Transient Trader avoids competition and comparison of prices with local businesses.
- (2) The Transient Trader evades the responsibility for the products which they sell by not always being available to the consumer after the sale is made. In some cases, the customer has consulted the existing retail outlet seeking some form of redress or satisfaction.
- (3) The Transient Trader may use questionable business practices in advertising and ticketing.

Most Transient Traders operate from a permanent location such as the Convention Centre, The Holiday Inn, or a Mall, for the selling of such items as furs, oriental rugs, or paintings. However, the flower vendors are located at numerous locations throughout the City especially on specific holidays such as Mother's Day and Easter. Although some of the flower vendors may be located on private property, in many cases, certain municipal infractions are taking place. For example, the vendor may be set up on City/Regional streets or property and on Service Station lots. The City of Hamilton Streets By-law No. 9326, Section 16(11) prohibits any person from selling on any City street or road allowance. Section 210, Para. 150 (a) and (b) of the Municipal Act prohibits the sale of goods which are not essential to the operation of a Service Station. (See Appendix B)

TRANSIENT TRADER REGULATIONS IN OTHER MUNICIPALITIES

Metropolitan-Toronto has continued to have a problem with street vendors since the 1970's. These street vendors are required to have a vendor's licence which costs \$63.00 initially and \$55.00 on renewal. Since Metro-Toronto does not have private legislation and the Municipal Act has not been amended, the fee for a Transient Trader licence is presently \$500.00 for 5 years. The Transient Trader must also be located in a hotel, public hall or convention centre.

The City of Mississauga does not license Transient Traders. They insist that such vendors have a Pedlar's licence which costs \$25.00 a year. This enables the vendor to either locate in a hotel or go from door to door selling his goods.

OTHER REGULATIONS:

The Canadian Charter of Rights and Freedom (Schedule B to the Constitution Act, 1981) Section 6 (2) states: Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right to

- (a) to move to and take up residence in any province; and
- (b) to pursue the gaining of a livelihood in an province.

Hamilton is bound by law to deal in good faith with any Ontario resident or any citizen who has the status of a permanent resident of Canada who is operating as a Transient Trader.

Also, the Retail Business Holidays Act permits Transient Traders to conduct their business on Sundays as they do not have a permanent retail business establishment.

RECOMMENDATIONS:

1. That a special meeting of the Licensing Committee be held at which both the local businesses and licensed Transient Traders would be invited to give input.
2. That any recommendations from this special meeting be forwarded to City Council and then to the Minister of Municipal Affairs.
3. That if the Province fails to amend the Municipal Act, it will be necessary for the City of Hamilton to draft private legislation to present to the Province to secure the authority to further regulate Transient Traders in the City of Hamilton.
4. That the Province consider amending the Retail Business Holidays Act to eliminate the apparent advantage Transient Traders have over established businesses in respect to Sunday operations.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Health Services
25 Main Street West
4th Floor
Hamilton, Ontario

528-1441

3.

FEB 28 1989

February 27, 1989

TO: Alderman V. Agro,
City Hall.

FROM: Dr. A.I. Cunningham,
Medical Officer of Health.

RE: The Presentation Of The Revised Second Level Lodging House Bylaw
To The Legislation Committee.

I appreciated the opportunity of attending the public presentation to members of this Committee in January and, as you can see, there is a great deal of interest in this matter. We have been working with Alderman David Christopherson on this Bylaw for some time and I would appreciate the opportunity of being present when the Committee reviews this item.

I will be out of town on the 20th of March and I respectfully request that the Committee consider rescheduling this matter so that my staff and I can be present to assist them.

Best Regards!

A.I. Cunningham, M.D., D.P.H.,
D.T.M.H. (London),
Medical Officer of Health.

AIC/ac

cc: Mr. J. Thompson. ✓

FEB 27 1989

4(10)

Corporation of the City of Ha

Memorandum

MEMO TO: Mr. J. Thompson, Secretary
Legislation Committee

DATE: February 24, 1989

FROM: Mayor Robert M. Morrow

SUBJECT: REQUEST TO HOST LUNCHEON - SHANGHAI BALLET

This is a request that the City of Hamilton host a buffet luncheon at Hamilton Place at 1 p.m. on Tuesday, March 21, 1989, for the 60-member cast and crew of the Shanghai Ballet Company, to welcome them to the City.

Cost of this is not to exceed \$950.00, and is to be charged to Acct. #CH55314-84010.

RMM/DAC/gs *one*

TO: John Thompson, Secretary
Legislation Committee

DATE: March 2, 1989

FROM: Mayor Robert M. Morrow

SUBJECT: DELEGATION TO JAPAN, CHINA AND HONG KONG

4(6)

As the result of invitations from Mayor Makimoto of our twin city of Fukuyama, Japan, and Mayor Zhou Yude of Ma'Anshan, China, and the need for economic development and tourism promotion in Japan, I am proposing to lead a delegation of fifteen Hamilton community leaders to these countries from April 6 to April 22, 1989.

The delegation will spend three days in each of our twin cities in Japan and China, to promote cultural, economic, educational programs and international relations. Trio Canada, a professional musical ensemble from McMaster University, including Marta Hidy, Stephanie Sebastian and Zdenek Konicek will perform concerts on behalf of Hamilton and Ontario in Tokyo, Fukuyama, Beijing, Nanjing, Ma'Anshan and Hong Kong.

Included in the delegation will be the Director of the Hamilton Art Gallery and the Manager of Hamilton Place, who will pursue in our twin cities and in Beijing and Nanjing possible exchanges of museum and art collections and theatrical/musical performers. Meetings with representatives of the Chamber of Commerce are planned for Tokyo, Fukuyama, and Hong Kong. Our own Hamilton Mundialization Committee will be represented by one member, as will the Japan-Canada Cultural Centre of Hamilton. McMaster University will be represented by the Dean of Humanities and his wife, who are proposing to provide some lectures at the universities. The delegation will have the opportunity to visit the Ontario-Jiangsu Centre for Science and Technology. The Regional Economic Development Department will provide presentations encouraging tour operators to centralize tourism packages from Hamilton and also to encourage health/medical technology enterprises and auto parts manufacturing companies to locate in Greater Hamilton.

In Tokyo the Mayor and appropriate staff will be able to attend the JETRO "Japan Sister City Symposium" which is being organized by the Japan External Trade Organization and held in Tokyo with representatives from all over the world on April 12.

The Steel Company of Canada has for many years been promoting technology and trade development with China, and will have senior representatives in the People's Republic of China in the cities of Beijing, Nanjing and Ma'Anshan to coincide with the City of Hamilton's visit to those cities.

In Hong Kong, contacts will be made with trade organizations and promotion of Hamilton to attract students to visa schools.

The delegation will consist of myself, Shirley Collins, M.P.P., Mrs. Joyce Mongeon, President of the Hamilton District Chamber of Commerce, Mr. Glen Cumming, Director of the Hamilton Art Gallery, Mr. Thomas Burrows, Manager of Hamilton Place, Mr. Dennis Carson, Executive Assistant to the Mayor, Mrs. Ella Mae Smith of the Mundialization Committee, Mrs. Sylvia Prestedge, President, On-Line Embossing Services, Dean David Gagan of the Faculty of Humanities, McMaster University, Mrs. Setsuko Horie of the Japanese Cultural Centre, and the Trio Canada musicians, Marta Hidy, Stephanie Sebastian, Zdenek Konicek. Representatives of the Hamilton-Wentworth Economic Development Department will be Mr. Scott Galbraith, Manager, Business Development, and Mr. Gabe Macaluso, Manager, Visitor/Convention Services. Mr. David Chafe of the International Office of Mohawk College and a member of the Hamilton Mundialization Committee, will meet with the delegation in Fukuyama.

At the time of writing this report, other programs are being put in place in cooperation with the Department of External Affairs, Ministries of the Ontario Government, and organizations in Hong Kong.

RECOMMENDATION:

That the City of Hamilton provide \$6,000.00 for hosting of the twin cities, other dignitaries, ground transportation arrangements and contingency expenses, and that the Finance Committee be requested to approve the method of financing.

FOR ACTION

5

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1989 February 28
COMM FILE:
DEPT FILE:

SUBJECT:

Daylight Saving Time.

RECOMMENDATION:

That the Mayor be authorized to issue a proclamation proclaiming Daylight Saving Time in the City of Hamilton from 2:00 o'clock a.m., Sunday, 1989 April 02 to 2:00 o'clock a.m., Sunday, 1989 October 29.

John Thompson
for E. A. Simpson

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

6.

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1989 February 28
COMM FILE:
DEPT FILE:

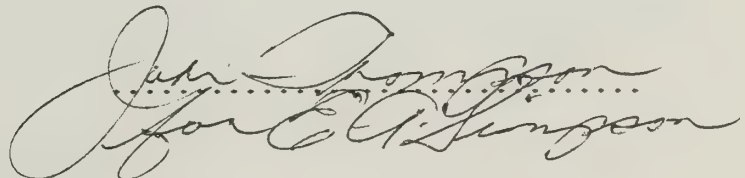
SUBJECT:

Consent to use the name "Hamilton".

RECOMMENDATION:

That approval be given to the request of the Sons of Italy of Ontario, Trieste Lodge to include the name "Hamilton" in the following corporations.

- (a) Sons of Italy (Hamilton) Housing Corporation
- (b) Sons of Italy (Hamilton) Charitable Corporation

A handwritten signature in cursive script, appearing to read "E. A. Simpson".

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Ministry of Consumer and Commercial Relations, Companies Branch, require evidence of consent by City Council to use the name "Hamilton" as part of the corporate name.

FOR ACTION

7(a)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

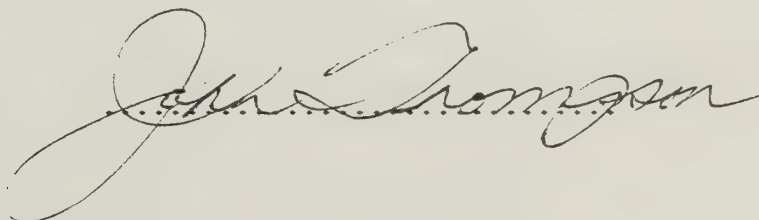
DATE: 1989 February 28
COMM FILE:
DEPT FILE:

SUBJECT:

Flying of the Greek Flag.

RECOMMENDATION:

That the request of AHEPA Family (American Hellenic Education Progressive Association) Hamilton, for permission to fly the Greek Flag at City Hall during their Convention Week from 1989 May 15 to 1989 May 21, be approved.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

7(b)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

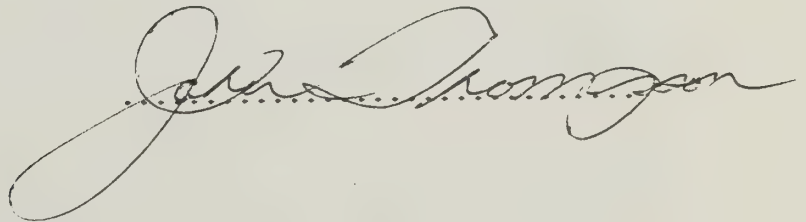
DATE: 1989 February 28
COMM FILE:
DEPT FILE:

SUBJECT:

Flying of Croatian Flag.

RECOMMENDATION:

That the request of the United Croats of Canada,
Hamilton Branch to display the Croatian Flag at City
Hall on 1989 April 10 in recognition of Croatian
Independence Day, be approved.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

8(a)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

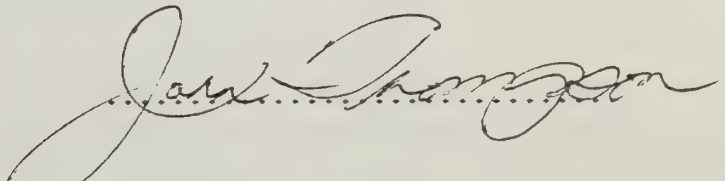
DATE: 1989 February 28
COMM FILE:
DEPT FILE:

SUBJECT:

Use of City Hall Facilities.

RECOMMENDATION:

- (a) That permission be granted to the Kidney Foundation of Canada, Hamilton and District Chapter to
 - (i) use the City Hall forecourt on Tuesday, 1989 April 25 at 11:00 a.m. for a balloon release ceremony in recognition and celebration of Organ Donor Awareness Week
 - (ii) display posters from local schools in the foyer area of City Hall for a period of 2 weeks commencing 1989 April 24 promoting and emphasizing the importance of the Organ Donor Awareness Program
- (b) That a light reception in the form of coffee, tea and cookies be provided to approximately 40 people following the balloon launch release ceremony and that this expense be charged to Account No. CH 55313-84010, Receptions - City Hall



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Funding available in Current Budget Estimates. Total cost approximately \$75.

BACKGROUND:

The City participated in this event last year.

FOR ACTION

8(4)

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

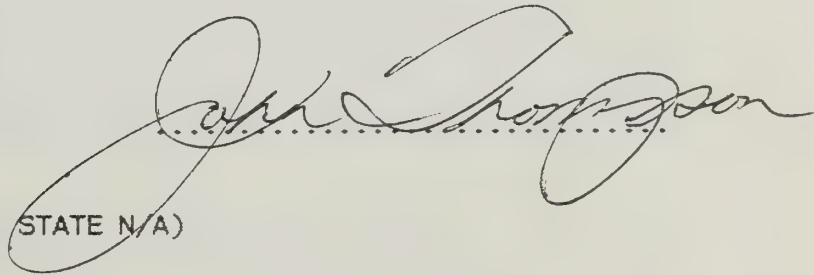
DATE: 1989 March 02
COMM FILE:
DEPT FILE:

SUBJECT:

Use of City Council Chambers -
Hamilton Minor Hockey Council

RECOMMENDATION:

That the request of the Director, Culture and Recreation for the use of the Council Chambers by the Hamilton Minor Hockey Council for the purpose of conducting their Annual Meetings, be approved.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Hamilton Minor Hockey Council is recognized as the governing body for minor hockey in the City of Hamilton and functions under the approval of the Parks and Recreation Committee.

Its annual meeting this year will be held on 1989 May 03 at 7:30 o'clock p.m.

RECEIVED

FEB 17 1989

CITY CLERKS

JOHN A. MILLSON
MAYOR

THE CORPORATION OF THE
CITY OF WINDSOR



9(a)

35

W.

N9A 6S1

TELEPHONE 255-6315
AREA CODE 519

FAX: (519) 255-7310

EXECUTIVE OFFICE

February 14, 1989

Mayor and Members of Council
c/o E. A. Simpson, City Clerk
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Greetings!

During a recent visit of the Ontario Arts Council to Windsor, we had the opportunity to discover more about the work of this government agency, funded through the Ministry of Culture and Communications. Meeting Members of its Board and staff in communion with people from Windsor and the region, we learned a great deal about the benefits the Council brings to the communities it serves - to the professional arts groups, the individual professional artist, the community arts organizations, the volunteer and the general taxpaying public.

In addition, we had a chance to study the public planning document which the Council has recently distributed throughout the province. Titled MOVING FORWARD, this document sets out a dynamic vision for the future of culture in the province, not just for major metropolitan areas, but for virtually every community of any size across Ontario.

We were proud to be the first community to pass a formal Municipal resolution to support the vision contained in the Council's Five Year Plan.

I am distributing the wording of our resolution, passed unanimously in Council on January 23, 1989 to other municipalities across the province. I wish to draw your attention to the importance of the realization of the Plan not only in the future development of your own community, but to the enrichment of life for every Ontario citizen.

Yours truly,

John Millson
Mayor of Windsor



Adopted by Windsor City Council at its meeting held on January 23, 1989:

"That the request of the Ontario Arts Council for support of its Five Year Strategic Plan entitled 'Moving Forward - A Five Year Strategic Plan prepared by the Ontario Arts - March 1988' and the request for increased Provincial funding to implement the plan **BE APPROVED** and further that the Premier of Ontario and the Minister of Culture and Communications **BE ADVISED** of Council's support of the Plan and the request for increased funding, and further that a copy of this resolution **BE FORWARDED** to local members of the Legislative Assembly, Members of Parliament and the Ontario Arts Council."

FOR ACTION

9(4)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1989 March 01

COMM FILE:

DEPT FILE:

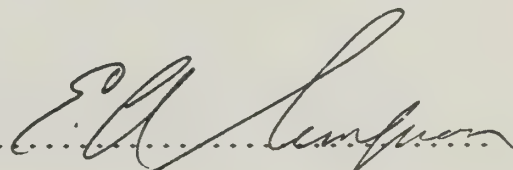
SUBJECT:

Resolutions

- (i) City of Waterloo
- (ii) City of Windsor
- (iii) Township of Kingston

RECOMMENDATION:

That the attached resolutions from the Cities of Waterloo and Windsor and the Township of Kingston objecting to the freezing of unconditional grants at the same level as 1988, be endorsed.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Endorsement and support of these resolutions is consistent with the resolution adopted by City Council at its meeting held 1989 February 28 petitioning the Province to review the unconditional grants funding for municipalities.

Attachments

RECEIVED

JAN 31 1989

January 24, 1989

CITY CLERKS



i

Ontario City Clerk's
of Cities with a Population
in Excess of 50,000

Waterloo City Council at its meeting held January 9, 1989 enacted the following resolution relative to Unconditional Grants, namely:

Whereas the Ministry of Municipal Affairs provides Unconditional Grants to municipalities consisting of per household grants, resource equalization grants and support grants;

AND WHEREAS The Honorable John Eakins, Minister of Municipal Affairs, announced on December 12, 1988 that each municipality will receive in 1989 the same amount it received in 1988 for Unconditional Grants;

AND WHEREAS municipalities may have to raise additional property taxes to compensate for the lack of Provincial funding with respect to Unconditional Grants;

AND WHEREAS the Association of Municipalities of Ontario made several recommendations with respect to Unconditional Grants under AMO Report 88-7 Unconditional Grants Proposal for 1989, dated August 1988;

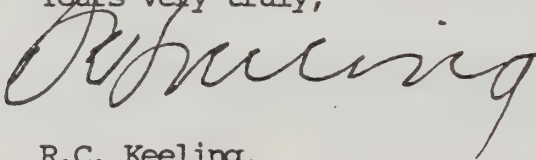
BE IT THEREFORE RESOLVED that the Provincial Government reconsider the funding provided to municipalities in 1989 under the Unconditional Grants program;

AND FURTHER THAT a copy of this resolution be forwarded to the Treasurer of Ontario, The Minister of Municipal Affairs, municipalities with a population greater than 50,000, the Association of Municipalities of Ontario, the Association of Municipal Clerks and Treasurers of Ontario and the Urban Finance Officers' Association of Ontario.

...2

Would you kindly place this resolution before your municipal council for its consideration. If your council sees fit to endorse same, we would ask you to also inform Robert Nixon, Treasurer of Ontario, Honorable John Eakins, Minister of Municipal Affairs, the Association of Municipalities of Ontario. the Association of Municipal Clerks and Treasurers of Ontario and the Urban Finance Officers' Association of Ontario.

Yours very truly,

A handwritten signature in dark ink, appearing to read "R. Keeling", written over the typed name.

R.C. Keeling,
City Clerk

RCK/jlm

RE
J
ii
CI
N9A 6S1
PHONE: (519) 255-6212
255-6215

THE CORPORATION OF THE
CITY OF WINDSOR

THOMAS W. LYND, A.M.C.T.
CITY CLERK



OFFICE OF THE CLERK

IN REPLY, PLEASE REFER
TO OUR FILE No. GPG/89

January 23, 1989

TO ALL MUNICIPALITIES IN ONTARIO WITH POPULATION OF 100,000:

Re: 1989 Unconditional Grants

City Council at its meeting held January 16, 1989 considered the attached report from the Commissioner of Finance regarding the recent announcement by the Minister of Municipal Affairs respecting transfer payments to municipalities, and adopted the following resolution:

"71/89 That the Minister of Municipal Affairs BE ADVISED that the Council of the City of Windsor strongly objects to the freezing of the Unconditional Grants to the same level as 1988, since the Province has not taken into consideration the additional taxes levied by the Province which increase costs to municipalities, and also that the City objects to the Province allocating grants to meet their own priorities, thereby reducing the local municipality's ability to set its own goals and objectives; and further, that this report and resolution BE SENT to the Association of Municipalities of Ontario, municipalities in excess of 100,000 population and local members of the Legislative Assembly requesting their endorsement and support."

The attached letter has been forwarded to the Minister of Municipal Affairs and local members of the Legislative Assembly. Windsor City Council solicits your endorsement for the resolution, and representations to the Minister. Thank you for your cooperation in this regard.

Yours very truly,

City Clerk
TL/ll
Att.

THE CORPORATION OF THE
CITY OF WINDSOR

THOMAS W. LYND, A.M.C.T.
CITY CLERK



OFFICE OF THE CLERK

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

PHONE: (519) 255-6212
255-6215

IN REPLY, PLEASE REFER

TO OUR FILE NO. GP/89

January 23, 1989

Honourable John Eakins
Minister of Municipal Affairs
777 Bay Street, 17th Floor
TORONTO, Ontario M5G 2E5

Honourable Sir:

Re: 1989 Unconditional Grants

City Council at its meeting held January 16, 1989 received the attached report from the Commissioner of Finance respecting the financial impact of your recent announcement of 1989 transfer payments. Council adopted a resolution expressing concern with the following matters:

- (a) the Provincial Government has not taken into consideration the additional taxes levied by the Province which impact on municipalities, with the net result that municipal costs are increased;
- (b) implicit in the announcement is the suggestion that additional grants will only be received under the Conditional Grant system, which has the effect of increasing the transfers according to Provincial priorities for these conditional grants.

Your consideration of Council's objection to the announcement will be appreciated. Any comment you have will be transmitted to Council. Pursuant to Council's direction, I am forwarding a copy of the report and resolution to the Association of Municipalities of Ontario and Ontario municipalities over 100,000 population. Also, by carbon copy of this letter, Council is soliciting the support of local members of the Legislative Assembly for the City's position.

Yours very truly,

City Clerk

TL/11

Encl.

c.c. Honourable William Wrye, M.L.A.

Mr. Michael C. Ray, M.L.A.

Mr. David Cooke, M.L.A.

CITY OF WINDSOR

INTER-DEPARTMENTAL COMMUNICATION

DATE: January 11, 1989
TO: City Administrator
FROM: Commissioner of Finance
RE: CQ 2-89 - INCREASE IN TRANSFER PAYMENTS TO MUNICIPALITIES

AIM:

To reply to a question asked by Councillor Porter at the Council Meeting held on January 3, 1989.

BACKGROUND:

Councillor Porter asked the following question:

"Asks for a report to Council on the financial impact of the announcement by the Minister of Municipal Affairs (Communication No. 3 on the January 3, 1989 Order of Business) respecting an increase in transfer payments to municipalities in 1989 of 5.4% over 1988 payments."

COMMENTS:

The letter from the Minister of Municipal Affairs, the Honourable John Eakins, which is referred to by Councillor Porter, is attached.

The Minister states:

"The Treasurer of Ontario announced that total transfer payments to municipalities in 1989 will amount to approximately \$4.4 billion. That is an increase over 1988 of 5.4 per cent."

The Minister goes on to say:

"It is therefore extremely important that provincial tax dollars are allocated in such a way as to support provincial priorities."

"For that reason, increases in funding to municipalities this year have been directed into conditional grant programs to meet specific needs the provincial government believes are most important."

It is important to note that the comments of the Minister has great emphasis on the provincial priorities, or specific needs the provincial government believes are most important.

The Minister goes on to say:

"The total amount of money available ... under the Ontario Unconditional Grants Program ... remains the same as in 1988."

"The City of Windsor will therefore receive \$23,216,996 in unconditional funding from the Ministry of Municipal Affairs in 1989."

On April 20, 1988, the Treasurer of Ontario released the provincial government's 1988 budget. One of the major items included in the provincial budget was an increase in the general retail sales tax rate from 7% to 8%. In a report dated May 4, 1988, we reported that the additional costs due to the increase in sales tax on an annualized basis would amount to some \$744,000. At that time, Council passed Resolution 633/88, a copy of which is attached.

It is obvious that the Treasury of Ontario and/or the Minister of Municipal Affairs did not take into account the increases regarding sales tax, gasoline taxes, and other levies, and taxes on premixed concrete and asphalt mix had on municipal governments. They have chosen to also ignore any effect of inflation on the municipal governments.

- 2 -

In the statement made by the Treasurer of Ontario to the Ontario legislature regarding 1989 transfer payments, he states:

"Within the overall allocation, more than \$220 million in additional funding will be provided to municipalities for priority areas."

In another part of his statement, he states:

"Municipal road assistance will also be maintained at the \$678 million level."

The Treasurer of Ontario also states:

"The financial position of our municipal sector has strengthened in recent years and I believe that these allocations are realistic and in keeping with changing priorities. To fund local priority activities and projects beyond these levels, many municipalities will choose to raise additional funds from local financing sources."

CONCLUSIONS:

The unconditional grants that are to be received by the City of Windsor will be exactly the same in 1989 as received in 1988, i.e. \$23,216,996. Any additional grants will only be received under the conditional grants system, such as welfare. However, other conditional grants programs such as municipal road assistance, would appear to be frozen at the same level as 1988 as well. The emphasis being placed by the province in the grant allocation definitely appears to be based on their own priorities and not on priorities set by the local municipal council. The municipality will therefore be responsible to look to its own taxpayers to cover increased costs due to inflation, additional taxes by the province, changes in service levels, etc.

We have just received communication from the Ministry of Transportation indicating the level of the initial allotment under the Public Transportation Highway Improvement Act, which would indicate an increase of some \$280,000 or 4%. In 1988, we had also received a supplemental allotment of \$1.3 million. Based on the comments by the Treasurer, supplemental allotment could be much more difficult to obtain in 1989.

RECOMMENDATION:

1. That the Council of the City of Windsor strongly objects to the freezing of the Unconditional Grants to the same level as 1988, since the Province has not taken into consideration the additional taxes levied by the Province which causes additional costs to municipalities. The City also objects to the Province allocating grants to meet their own priorities, thereby reducing the local municipality's ability to set its own goals and objectives.

2. That this report and resolution be circulated to the Association of Municipalities of Ontario and municipalities in excess of 100,000 population for their endorsement, and copies also be sent to our Members of the Provincial Legislative Assembly.

GSP/pcm
Attach.


.....
Commissioner of Finance


.....
CITY ADMINISTRATOR



6-PC 13-

Office of the
Minister
Bureau du
ministre

Ministry of
Municipal
Affairs
Ministère des
Affaires
municipales

777 Bay Street
Toronto, Ontario
M5G 2E5
(416) 585-7000

777, rue Bay
Toronto (Ontario)
M5G 2E5
(416) 585-7000

December 12, 1988

Mr. T. Lynd
Clerk
The City of Windsor
City Hall, City Hall Square
Windsor, Ontario
N9A 6S1

RECEIVED	Cfm
DEC 19 1988	LCIFin
WINDSOR	1
CITY CLERK	Dec 21/88
REPORTS	?

Dear Mr. Lynd:

Today, I made a general announcement in the Legislature about the total amount of money to be transferred to municipalities in 1989 under the Ontario Unconditional Grants Program. I am writing today to inform you of your municipality's allocation.

As you may know by now, the Treasurer of Ontario announced that total transfer payments to municipalities in 1989 will amount to approximately \$4.4 billion. That is an increase over 1988 of 5.4 per cent.

As the Treasurer has indicated, the Province is in a period of financial restraint. It is therefore extremely important that provincial tax dollars are allocated in such a way as to support provincial priorities.

For that reason, increases in funding to municipalities this year have been directed into conditional grant programs to meet specific needs the provincial government believes are most important. The total amount of money available to the Ministry of Municipal Affairs for distribution under the Ontario Unconditional Grants Program -- which can be spent by each municipality in any way it sees fit, according to its own goals and priorities -- remains the same as in 1988.

COUNCIL AGENDA
COMMUNICATIONS

1989 1 03

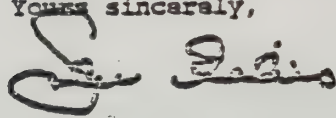
NO. 3

Mr. T. Lynd

Because of that, I have decided to make available to each municipality the same amount it received under the program in 1988. The City of Windsor will therefore receive \$23,216,996 in unconditional funding from the Ministry of Municipal Affairs in 1989. This is subject to any revisions which may be required to the 1987 Financial Information Return which was prepared by your municipality.

Please bring this information to the attention of your Council as soon as possible.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "John Eakins", written in a cursive style.

John Eakins
Minister
M.P.P., Victoria - Haliburton

CITY OF WINDSOR

THOMAS W. LYND, A.M.C.T.
CITY CLERK



CITY HALL
WINDSOR, ONTARIO
N6A 6M1
PHONE: (519) 255-6212
255-6213

OFFICE OF THE CLERK

IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

May 10, 1988

GP/88 sf 21

Commissioner of Finance

The following resolution was adopted by Council at its meeting held on: May 9, 1988.

633/88 WHEREAS the 1988 Budget of the Provincial Government has increased the general retail sales tax rate to 8%; and

WHEREAS the increases regarding sales tax, gasoline taxes and other levies, and taxes on premixed concrete and asphalt mix will have a direct and significant effect on municipalities across Ontario; and

WHEREAS many Ontario municipalities may not have included funds in their current budgets to cover these additional taxes;

THEREFORE BE IT RESOLVED that the Treasurer of Ontario and the Ministry of Municipal Affairs be petitioned to increase the grants to Ontario municipalities in proportion to the effect of increases in the Provincial Sales Tax as they have a direct effect on Ontario municipalities, and further that a copy of this resolution BE SENT to the Association of Municipalities of Ontario, local members of the Legislative Assembly and Ontario Good Roads Association requesting their support.

City Clerk
/jr

RECEIVE

FEB 17 1989

iii



CITY CLERKS

Telephone
(613) 384-1770
Fax 384-7106

The Corporation of the Township of Kingston

Incorporated 1850

From the Office of: The Clerk

February 9th, 1989

To All Municipalities in Ontario
Over 5,000 Population

RE: Unconditional Transfer Payments
to Local Municipalities - 1989

The Township of Kingston is concerned regarding the announcement that unconditional transfer payments will be frozen to 1988 dollar amounts, and have shown their concern by passing the attached resolution.

Although the resolution states that it be sent to "municipalities with a population in excess of 10,000", the resolution is in fact being circulated to all municipalities with a population over 5,000.

This resolution is sent to you with a request for your support of it.

Yours truly,

D. A. Gordon, A.M.C.T., C.M.C.,
Clerk

DAG/fy
Attach.

c.c.: Treasurer of Ontario
Minister of Municipal Affairs
Mr. Larry South, M.P.P., Frontenac-Addington
Leader of the Progressive Conservative Party
Leader of the New Democratic Party
Association of Municipalities of Ontario

Agenda Item No. _____



Resolution No. _____

TOWNSHIP OF KINGSTON COUNCIL

RESOLUTION

February 7 19 89

Township Administration Building

Moved by *C. Bush*

Seconded by *Rick Landon*

That WHEREAS the Treasurer of Ontario has announced that unconditional transfer payments to local municipalities, for the year 1989, will be frozen to 1988 dollar amounts.

AND WHEREAS such transfer payments do not reflect either inflationary factors or growth in municipal populations and households.

AND WHEREAS it has always been a provincial policy to encourage growth and to provide ever increasing housing availability within a municipality.

AND WHEREAS the freezing of transfer payments based on households and populations has severely penalized those municipalities that have strived to increase housing stocks. And further such a freeze has created an inequality between municipalities by transferring a higher per household grant to those municipalities with either no increase or even a decrease in households than to those with a population growth.

NOW THEREFORE be it resolved that the Council of the Corporation of the Township of Kingston petitions the Premier of Ontario to restore, at once, equal per household grants for 1989 unconditional transfer payments, including a reasonable per centage increase for inflation.

AND FURTHER this resolution be forwarded to the Treasurer of Ontario, the Minister of Municipal Affairs, Mr. Larry South, M.P.P. Frontenac/Addington, the leaders of the Opposition Parties, the Association of Municipalities of Ontario and to all other municipalities with a population in excess of 10,000 requesting their support of this resolution.

RECORDED VOTE:

In Favour Against Absent

CARRIED

☒

TABLED

☐

LOST

☐

Reason: _____

J. Yuen

Reeve

AMO

Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

REC

10(a)

FE

February 14, 1989

CITY CLERKS

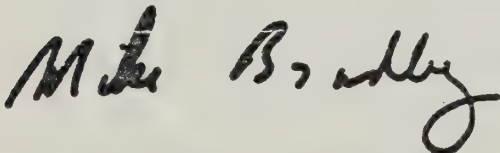
To the Clerk and Members of Council:

On behalf of the Large Urban Section of the Association of Municipalities of Ontario, I would like to extend an invitation to you and members of your council to attend our Eighth Annual Conference, to be held from April 26th to 28th in the City of Sarnia.

Attached you will find some preliminary information relating to the conference topics, draft program, location, and a registration form. This Conference, which is mainly geared to representatives of urban municipalities of 50,000 population and higher, will deal with subjects which are topical and of vital interest to your municipality. Please give consideration to attending this conference and mark the dates in your calander. Further information will be forwarded shortly.

I look forward to meeting your representatives in April.

Yours truly,



Michael Bradley
Chairman
Large Urban Section of AMO

Large Urban Section

EIGHTH ANNUAL MEETING

April 26 - 28, 1989
 Drawbridge Inn
 City of Sarnia, Ontario

PRELIMINARY PROGRAM

The following is a suggested list of Conference topics:

- . Lot Levies
- . MISA
- . Conflict of Interest
- . Disabled Transit/Parking
- . Draft Provincial Housing Policy Statement

WEDNESDAY, APRIL 26TH

- | | |
|------------------------|---|
| 7:00 p.m. - 9:00 p.m. | Registration |
| | Lobby
Drawbridge Inn
283 North Christina Street
Sarnia, Ontario
N7T 5V4
(519) 337-7571 |
| 2:00 p.m. | GOLF (weather permitting) |
| 6:00 p.m. | Large Urban Executive Committee Meeting |
| 8:00 p.m. - 10:00 p.m. | Reception - Chairman's Suite |

THURSDAY, APRIL 27TH

- | | |
|------------------------|--------------------------------------|
| 8:00 a.m. - 3:00 p.m. | Registration |
| 9:00 a.m. - 10:00 a.m. | Opening General Session |
| | . Greetings from Sarnia |
| | . Greetings from AMO |
| | . Annual Report |
| | . Report of the Nominating Committee |

10:00 a.m.	Keynote Speaker
11:00 a.m.	General Session
12:00 noon	Luncheon
1:30 p.m.	General Session
3:00 p.m.	General Session
4:30 p.m.	Adjournment
6:30 p.m.	Reception
7:00 p.m.	Dinner

FRIDAY, APRIL 28TH

8:15 a.m.	Breakfast
8:45 a.m.	General Session
10:15 a.m.	Resolutions Session
11:45 a.m.	Closing General Session
12:00 noon	Adjournment of Conference
12:00 noon	Meeting of the Incoming Executive Committee of the Large Urban Section

ASSOCIATION OF MUNICIPALITIES OF ONTARIO
LARGE URBAN SECTION ANNUAL CONFERENCE

Wednesday, April 26th - Friday, April 28, 1989
Drawbridge Inn
City of Sarnia

CONFERENCE REGISTRATION FORM

Name of Delegate: _____

Title or Office Held: _____

Municipality/Organization: _____

Name of companion or guest: _____
(if attending)

Address: _____ Phone: _____

Will Delegate and/or companion play golf April 26th? Yes ___ No ___

REGISTRATION FEES: Delegate or observer \$145.00
Companion or guest \$ 85.00

REFUNDS: Requests for refunds of prepaid registration fees must be submitted in writing within thirty (30) days of close of the conference. A \$30.00 administrative fee per cancellation will be deducted.

Please complete registration form and make your cheque payable to:

Association of Municipalities of Ontario
100 University Avenue
Suite 805
Toronto, Ontario
M5J 1V6

HOTEL RESERVATIONS: Please make your hotel accommodation arrangements directly with the Drawbridge Inn in Sarnia. A Room Accommodation Form is attached for your convenience.

RATES: \$54.95 single/double

ROOM RESERVATION
CUT OFF DATE: April 10th, 1989

1989 LARGE URBAN SECTION ANNUAL MEETING

April 27 - 28, 1989

DRAWBRIDGE INN

PLEASE RETURN THIS FORM TO:

Drawbridge Inn
283 North Christina Street
Sarnia, Ontario
N7T 5V4

ROOM ACCOMMODATION FORM

Name(s) of Occupant(s): _____

Address: _____

Telephone Number: _____

Type of Room:

() single \$54.95

() double \$54.95

Date of Arrival:

Time:

Date of Departure:

Time:

* * * * *

PLEASE NOTE: Cut off date for room reservations if April 10th, 1989

10(6)

THE HIDDEN AGENDA: PROVINCIAL PRIORITIES AT LOCAL COST?

Special Meeting of the Membership
of the

Association of Municipalities of Ontario

1:30 pm - 4:30 pm - Thursday March 30, 1989
Commonwealth East Ballroom
Holiday Inn (Chesnut & Dundas - Behind Toronto City Hall)

AMO has called an emergency special meeting(*) to discuss the recent actions of the Provincial Government regarding municipal funding. The AMO Executive Committee recently endorsed the resolution from the Regional Municipality of Sudbury requesting this meeting.

The resolution adopted by the Regional Municipality of Sudbury states -

The Council of the Regional Municipality of Sudbury hereby requests the Association of Municipalities of Ontario to immediately convene an emergency meeting of all member municipalities at the earliest date to devise a strategy for an approach to the Government of Ontario to demand in the strongest terms possible that all such unilaterally imposed and undue additional responsibilities be held in abeyance pending full and complete consultation with the municipalities for alternatives acceptable to the local government ratepayers of Ontario.

The above resolution was subsequently endorsed by the Executive Committee of County and Regional Section, and the Committee of the Regional Chairmen of Ontario.

WHAT CAN YOU DO???

Is there a hidden Provincial agenda? Should municipal services such as roads, the local home for the aged, the community centre, or daycare suffer at the expense of funding only provincial priorities? Should municipalities accept traditional provincial responsibilities and fund them from the property tax?

- . Come to this meeting and express your concerns.
- . Assist AMO in developing a strategy for resisting these tax shifts.

Members of the Legislative Assembly of Ontario

The Association will be advising all Members of the Legislative Assembly of the meeting and will extend an invitation to attend. Municipalities are requested to contact their local Members with a view to encouraging their attendance.

Cont'd...

Registration

A registration form has been attached to this communication. **No registration fee is required.** It is essential, for effective planning purposes however, that this form be returned to the AMO offices as quickly as possible. The cut-off date for registration is **Friday, March 24th.**

Hotel Accommodation

Delegates requiring hotel accommodation are requested to refer to the "AMO Preferred Rates Plan", forwarded to your municipality earlier this year and complete their reservations as required, at the locations desired.

Program Information

Information on the program and format will be mailed to the membership shortly.

If you have any immediate questions regarding this matter, please do not hesitate to contact the AMO offices.

Yours truly,



Stephen Clark,
President

(*) Article XIII, of the AMO Constitution provides -

Section 2. Special or general meetings of the Association may be called by the Executive Committee. The President or the Executive Director shall call a special or general meeting when requested to do so in writing by thirty (30) members of the Association. A request for the calling of a meeting shall state the purpose for which the meeting is requested.

Section 3. A minimum of thirty (30) days notice of annual, general or special meetings shall be provided in writing to all Association members.

AMO SPECIAL MEMBERSHIP MEETING

Thursday March 30, 1989

1:30 PM - 4:30 PM

Commonwealth East Ballroom

Holiday Inn (Chestnut & Dundas - behind Toronto City Hall)

REGISTRATION FORM

Name of Delegate: _____

Title: _____

Municipality: _____

Please return one form per individual to the AMO offices
NO LATER THAN Friday March 24th, 1989.

Attendance at the Special Meeting entitles the
registrant to vote as a representative of his/her
municipality.

An information package will be distributed at the meeting
during registration.

Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

February 16, 1989

TO: HEAD AND MEMBERS OF COUNCILS

RE: AMO PRELIMINARY RESPONSE TO DRAFT HOUSING POLICY STATEMENT

AMO has prepared a preliminary response to the draft Housing Policy Statement issued jointly by the Ministry of Municipal Affairs and the Ministry of Housing. A copy is enclosed.

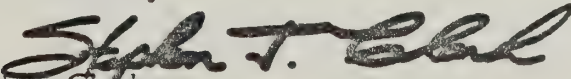
The Ministries require a response by February 28, 1989. Due to the municipal elections of last November and the fact that the guidelines to accompany the policy statement were not released until mid-November, most municipalities have not been able to meet the February deadline.

The AMO Executive wishes to both meet the requirement of a February 28, 1989 deadline and truly represent the concerns of the AMO membership. To this end a two staged response will be prepared. Stage one accompanies this letter. It has been submitted to the relevant Ministries. Stage two will be more comprehensive and will be presented to the Board of Directors at their March 31, 1989 meeting before being submitted to the Provincial Government.

The preparation of the second stage of the AMO response provides you with a further opportunity to make a contribution and express your concerns. You may find that the preliminary AMO response provides you with information you had not considered when drafting your submission. You may also find that there are issues of concern to you that have arisen since your response was completed. Your comments on the preliminary response and any other suggestions you may have with respect to improving the housing situation in the province are encouraged. Questions and comments should be addressed to Philip Ferguson, Policy Analyst, at the AMO offices.

I thank you for your contribution.

Yours sincerely,


Stephen Clark,
President.

Enclosure

AMO PRELIMINARY RESPONSE TO THE DRAFT HOUSING POLICY STATEMENT

FEBRUARY, 1989

- o As approved by the February 19, 1989
meeting of the AMO Executive Committee

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AMO PRELIMINARY RESPONSE TO THE DRAFT HOUSING POLICY STATEMENT

FEBRUARY, 1989

INTRODUCTION

AMO Position

The objectives of the Policy Statement are:

- (a) To provide for access to housing for all types of households in all parts of Ontario.
- (b) To provide for housing that is affordable to the households of Ontario.
- (c) To increase the supply/availability of housing throughout Ontario.
- (d) To ensure that the housing available is adequate and appropriate to the needs of the households in Ontario.

The Association strongly supports these objectives. The concerns of the Association relate to the feasibility of achieving these ends through the policies expressed in the Policy Statement.

The Association believes that the detailed concerns presented in this response clearly show that the mechanistic and inflexible approach to planning for residential development as presented in the Policy Statement are inappropriate and will be ineffective in dealing with the housing problems in this province. Further, the Association believes that this Policy Statement is subject to such wide ranging interpretations and planning difficulties that it will create sufficient conflict and controversy to actually have the effect of slowing down the development process in the province thereby reducing the rate of increase in the provincial housing supply.

The Policy Statement attempts to deal with the housing shortage by controlling municipal options in land use planning. Its approach and structure isolate it from other more significant factors in the housing market. If there is to be a Housing Policy Statement it should be drafted in careful coordination with other initiatives in such potential areas as: rent review, tax regulations, rental housing protection, the Landlord and Tenant Act, infrastructure funding, non-profit housing programs and commercial and industrial development strategies. The Association does not see such coordination in the drafting of the current Housing Policy Statement or other related provincial policies and legislation.

It is unusual for the Association to express a blanket rejection of a proposed provincial policy. This rejection was not arrived at lightly. Since all municipalities and other authorities must have regard to the Housing Policy Statement it must be a clearly expressed and fair document. It should not put municipalities under the burden of complex, expensive and detailed planning aimed at goals that are unachievable. This Policy Statement does just that.

The Policy Statement requires new priorities for residential planning and zoning based on an indeterminate data base for overall growth, variety and mix of housing, intermunicipal planning co-ordination and an inflexible affordability criteria. The Policy Statement provides no clear indication as to how such planning is to be accomplished; there is no indication of acceptable methodologies for planning and zoning and little municipal authority to ensure implementation. Yet the Government retains the right to overrule municipal actions based on lack of conformity to the Policy Statement.

The Policy Statement also requires long term municipal commitment for the funding of services for new development and intensification. Municipalities have already been asked to prioritize substantial funding commitments to upgrade sewer and water and solid waste management facilities. A ten year capital plan commitment for servicing new development will have to override these plans that the Government has already prioritized with statutory requirements. There is no long term provincial commitment for infrastructure funding.

For these and other reasons outlined in this response, the Association believes the draft Housing Policy Statement to be so flawed as to compel outright rejection.

RECOMMENDATION

That the Cabinet reject the draft Housing Policy Statement.

Two Staged Response

The Association appreciates the Provincial Government's concern regarding the housing crisis as reflected in the Housing Policy Statement jointly released by the Ministers of Municipal Affairs and Housing at the AMO annual conference on August 25, 1988. At that time the Ministers indicated that they would welcome responses from municipalities individually and from AMO, with the deadline for submissions being February 28, 1989.

The municipal elections in November of 1988 meant that municipalities were without active councils from October through to early December when new councillors were sworn and meetings of the new councils began. As well, the Guidelines to accompany the Policy Statement were not released until November 18, 1988, with some municipalities not receiving a copy until early December. Further, on December 12, 1988, the Ministry of Treasury and Economics released a green paper on financing growth related capital needs. The green paper includes a required limit on lot levies for affordable housing.

The Association considers the Housing Policy Statement to be an important document that deserves thorough and responsible consideration. AMO staff have contacted a number of municipalities to obtain their views on the Policy Statement, however almost none had had the opportunity for careful review, due to the facts noted above, in time for their inclusion in the AMO response.

The Association wishes to truly represent the concerns of the full range of municipalities in the Association, at the same time AMO recognizes the Ministers' requirement of a response by February 28, 1989. To this end AMO is submitting a preliminary response, based on the views of AMO committees, to provide the Ministers with a response by February 28. AMO will be reviewing municipal submissions as they

are received and will prepare a comprehensive response to be submitted to the AMO Board of Directors at their March meeting and then forwarded to the Provincial Government.

THE SIGNIFICANCE OF POLICY STATEMENTS UNDER THE PLANNING ACT¹

Housing is currently not a matter of provincial interest under the Planning Act. The Cabinet approval of the proposed Housing Policy Statement will establish the detailed policies created by the proposed Housing Policy Statement as matters of provincial interest. This will present potentially significant ramifications for changes in the traditional municipal and provincial roles in the land use planning process and authority.²

The Planning Act requires every municipal council, every ministry (including of course the Ministry of the Environment and the Ministry of Agriculture and Food) or government agency and the Ontario Municipal Board, among others, to have regard to policy statements when exercising any authority that affects any planning matter. The words "have regard to" have yet to receive an Ontario Municipal Board (OMB) or Judicial interpretation.

When the Housing Policy Statement is approved by Cabinet, the Cabinet may overrule decisions of the OMB on official plans, official plan amendments and zoning by-laws. The Minister of Municipal Affairs merely has to indicate that the provincial interest as expressed in the Policy Statement is adversely affected by the matter before the OMB to allow the Cabinet to exercise its prerogative and create its own official plans and zoning by-laws for municipalities. The Minister is not required to give any reasons for such actions nor any recommendations as to what a municipality may be expected to do in order to comply with the Housing Policy Statement.

There is no provision in the Planning Act that allows for any appeal procedure of these Cabinet decisions based on the provincial interest as expressed in a policy statement.

For the Association, one of the most important aspects of the Housing Policy Statement is its potential use by the Provincial Government to significantly alter the relationship between the two levels of government, eroding the traditional autonomous leading role played by municipal governments in municipal land use planning.

¹Planning Act, 1983, S.O. 1983, c.1., formerly the Planning Act, R.S.O., 1980, c.379.

²A summary and relevant sections of the Planning Act are included in the Appendix.

AMO CONCERNS REGARDING THE HOUSING POLICY STATEMENT

INTERPRETATION AND STANDARDS

As noted above, every municipality, ministry, government agency and the Ontario Municipal Board shall have regard to the Policy Statement when exercising any authority that affects any planning matter. The Planning Act also provides the Provincial Government with the power to ensure that the provincial interest in housing is reflected in municipal land use planning. The Association therefore believes that clear, consistent interpretations of, and standards under, the Policy Statement are absolutely necessary to avoid conflict and confusion.

Wherever possible detailed definitions and explanations must be found in the Policy Statement itself. These definitions and explanations must be to the level of detail necessary so that all of those authorities required to have regard to the Policy Statement will have the same understanding of exactly what the Policy Statement means and the standards by which the Provincial Government will judge compliance. Since the Guidelines do not form part of the Policy Statement itself they should not be used to provide this level of interpretation. The Guidelines should be usable as a detailed technical resource or manual for municipal planners rather than as a vehicle for providing interpretation as to actual requirements under the Policy Statement. As noted in the following paragraphs, the Policy Statement and Guidelines do not meet these requirements and therefore create enormous potential for conflict.

This potential for conflict arises from the nature of the Policy Statement itself and the use to which it can be put. Since the above noted authorities, and particularly the OMB are required to have regard to the Policy Statement when exercising their authority, the policy statement may become a tool to be used by affordable housing interest groups, developers, municipalities, ratepayers, Ministry of the Environment, Ministry of Agriculture and Food, and neighbourhood groups all arguing significantly different interpretations and standards in hearings before the OMB.

Interpretation

"Regional" Planning for Growth

Paragraph 1.1 of the Policy Statement states that municipalities should consider the implications of their actions on the availability of housing to meet future local, regional and provincial needs. The Guidelines indicate that this means having regard for "needs in the region (CMA or Equivalent)" (Guidelines p.7)

Growth Projections

Paragraph 1.2 requires municipalities to plan for sufficient land (including conversion, infill and redevelopment) to be available to meet expected growth on a ten year time frame. Sub-paragraph 1.2.1 indicates that growth projections are to be based on:

- (a) projected population of a municipality or municipal share of regional growth taking into consideration regional housing market growth.
- (b) densities and standards of development to provide for an adequate range of housing types; and,
- (c) feasibility of servicing lands for expected future growth.

The Guidelines indicate that for this paragraph region means economic region. The Guidelines further state that, "Projected population of municipalities are to be based on a reasonable share of expected residential growth for the region as a whole, and will be evaluated accordingly. In a growing region, municipalities will be expected to justify that they are providing for their share of regional growth". (Guidelines p.10)

Affordable Housing Types

Paragraph 1.6 requires municipalities to, "identify the types of housing that can be produced to meet the affordable housing objectives based on the consideration of the following locally applied factors:

- CMA or regional income distribution;
- affordability ranges for the lower 60% of the regional/CMA population..."

The Guideline reference to paragraph 1.6 states that "municipalities must plan for the income distribution for the entire region, not simply the traditional or anticipated population of the local municipality (p.12). There is no indication as to the difference, if any, between an "economic region" and a CMA.

Variety and Mix

Part two of the Policy Statement deals with official plans. Paragraph 2.1 requires municipalities to include in their official plans policies to provide for a variety and mix of housing in the community in keeping with regional demands and the impact of local market factors.

Paragraph 2.5 requires municipalities to designate lands throughout the community for the variety and mix of housing types within each municipally defined planning area, in keeping with the housing demands and the impacts of market factors in the Census Metropolitan Area or equivalent, which are capable of satisfying this policy.

It would appear that municipalities must plan for a variety and mix of housing based on "regional" demands and demands in the CMA or equivalent. There is no indication as to what the difference between these two terms is, if any.

The inconsistent use and inconsistent definition of the words "region, CMA or equivalent, economic region, CMA or regional, regional/CMA, entire region, leads to confusion. Apparently municipalities are to plan for their share of growth based on data for their economic region as a whole but plan for affordable housing types within that growth based on income distribution for their CMA (Census Metropolitan Area) or equivalent and for variety and mix of housing based on both. It is not clear why municipalities should plan for housing types based on income figures for one area and

yet plan for a share of growth for an area that may not have the same income distribution. Perhaps municipalities are to plan for growth share and housing types based on data for their CMA (Census Metropolitan Area) or equivalent. It is not clear what a CMA equivalent is. Statistics Canada uses CMAs, census divisions and census agglomerations. These census areas do not respect regional, county or even provincial borders. [See below under Municipal Share of Regional Growth at page 8.]

Most municipalities in Ontario are not within a CMA or even a regional municipality.

Municipalities and other authorities that must have regard to the policy statement will be evaluating municipal planning documents with no clearly defined geographical area data base on which municipal plans must be based.

Municipally Defined Planning Area

Paragraph 2.5 of the Policy Statement states that municipal official plans must, "Designate lands throughout the community for the variety and mix of housing types within each "municipally defined planning area" in keeping with housing demands and the impacts of market factors in the Census Metropolitan Area or equivalent, which are capable of satisfying this policy". The Guidelines (p.17) state that, "These districts or planning areas are commonly included in official plans now. Typically, these areas are fairly large and would include identifiable neighbourhoods, districts, or secondary planning areas".

As pointed out in the Regional Municipality of Waterloo response, "The stated Provincial Policy until now has been a disapproval of secondary plans as an appropriate planning mechanism unless approved as amendments to Official Plans. If this is the suggested approach then an additional delay will ensue, since even minor changes will require formal amendment."

This loose definition of municipally defined planning areas leaves open significant questions. It would appear that municipalities may define their own planning areas in which the policies will apply, but it is not clear. For a regional municipality the planning area may be the whole region. For area municipalities it may be the whole municipality or a part of it that has a secondary plan, or it may be a neighbourhood. It is not clear whether municipalities may choose what they consider to be a planning area and if the policy then only applies to that area, or whether application of the policy is to be more comprehensive.

Affordable Housing

In the Policy Statement affordable housing is defined as housing one half of which is affordable to households with incomes up to the 30th percentile and one half of which is affordable to households with incomes between the 30th and 60th percentiles for the Census Metropolitan Area or equivalent.

Affordability means annual housing costs (gross rent, or mortgage, principle and interest(amortized over 25 years and assuming a 25% down payment) and taxes) do not exceed 30% of gross annual household income.

These definitions are so inflexible as to prevent municipalities from identifying the neediest groups in their own municipality and to plan to meet their needs. In effect they require planning where the need is not the greatest. The definitions do not take into account the size of a household at any income level and the effect that will have on the reality of what is affordable to that household.

It is also very unclear as to what proportion of housing should really be in what range and can the entire range really be planned for. The use of percentiles in this inflexible definition creates the following situation, housing that is affordable to those at the 60th percentile is by definition not affordable to those below the 60th percentile. Housing affordable to those at the 45th percentile is by definition not affordable to those below the 45th percentile and on it goes. This definition leaves it totally unclear as to how the entire range of incomes in the definition is to be planned for.

Standards

Under the Policy Statement municipal planning documents and monitoring and review procedures will be subject to evaluation by the OMB and the Provincial Government to determine if they are furthering or adversely affecting the provincial interest in housing as expressed in the details of the Policy Statement. Most municipalities have not been engaged in the planning, zoning and review processes as established by the Policy Statement or the Provincial Government would not have thought it necessary to issue the Policy Statement. Since there is the possibility for the OMB and the Provincial Government to disapprove or amend these municipal plans and procedures, even after extensive municipal research and drafting has been completed, it is imperative that clear evaluation standards form part of the Policy Statement so that all parties will have an understanding as to what is expected and evaluation is not perceived as arbitrary.

Determining Affordable Housing Types

The Policy Statement requires municipalities to identify and plan for the provision of the types of housing that can be produced to meet affordable housing objectives. The Guidelines indicate that data is not published in a form usable for determining affordable housing income levels; however, the Government will be providing an annual update of this information in a usable form.

Most municipalities, however have also not planned specifically for the creation of affordable housing types. The Guidelines indicate that municipalities will be expected to conduct a proforma analysis of the factors contributing to housing production costs and then use the land use planning tools available to them to provide for the creation of affordable housing. Most municipalities have not in the past collected and analyzed production cost figures and the effect of land use controls on them. Neither the Policy Statement nor the Guidelines indicate what will be an acceptable analysis methodology.

Monitoring

Paragraph 2.6 of the Policy Statement requires municipalities to monitor how the objectives of the policy are being achieved. Municipalities do not currently monitor population and housing supply growth and housing prices to the level of detail suggested

by the Guidelines. There is no indication of what will be considered an acceptable monitoring technique nor what the consequences may be if the results show that the objectives have not been met.

Municipal Share of Regional Growth

As noted above the Policy Statement indicates that municipalities will be required to plan for their share of regional growth (paragraph 1.2.1). The Guidelines indicate that municipalities will be evaluated as to how they have determined their share of regional growth. The need for a definition of "regional" has already been expressed.

It is not clear how a reasonable share of regional growth is to be determined or how it is to be planned for. For example, the CMA for Metro Toronto includes all of Metro Toronto, Peel Region and York Region and parts of Durham Region, Halton Region and Simcoe County. For each planning authority to determine its reasonable share of expected growth in the CMA it would have to coordinate its planning with the other planning authorities or expected growth would not be properly accounted for and there would be no way of predicting or understanding how their plans could be evaluated by the Provincial Government or any other authority pursuant to the Policy Statement. There is currently no mechanism to provide for this type of inter-municipal coordinated planning.

This situation is not unique to Metro. Durham Region has municipalities in three different CMA's, as does Niagara Region; the Windsor CMA includes ten municipalities in Essex County, the London CMA includes four municipalities in Middlesex County and the Ottawa CMA includes Hull, Quebec.

RESIDENTIAL INTENSIFICATION

Paragraphs 1.7, 2.4 and 2.5 of the Policy Statement indicate that municipalities will be required to amend their official plans to include policies that are supportive of residential intensification. In 1983 AMO published a report on a provincial study of residential intensification (AMO Report 83-10). AMO found that the concept of residential intensification was supportable as an option for use at the discretion of municipalities. The following paragraph in particular is expressive of AMO's position with respect to residential intensification as an aspect of the Policy Statement.

"With respect to the recommendation that official plans and zoning by-laws be revised to permit conversion and infill in certain areas "as-of-right", AMO believes that zoning has traditionally been a municipal responsibility. Any suggestion to weaken such powers through Provincial intervention is strongly opposed. AMO believes that those municipalities that wish to encourage intensification should revise their official plans and zoning by-laws to facilitate conversions to the degree and in such areas as municipalities believe appropriate. Conditions and specifications should be as specific and objective as possible in order to provide certainty. AMO endorses the consultant's recommendations on regulatory changes only as suggestions for

municipalities which want to actively encourage conversion or intensification. However, AMO believes that it must be left to each municipality to decide to what extent it wants to facilitate such activity."

The Guidelines (p.37) indicate that types of small scale residential intensification uses identified in official plans are to be permitted as-of-right. Further, zoning by-laws should be amended for these uses and currently restrictive standards should be altered to allow for the permitted use to be developed without requiring further amendments to zoning by-laws.

In many instances intensification will create an additional burden on municipal infrastructure and municipalities have very limited means to recover any of these costs.³

INFRASTRUCTURE

Paragraph 2.2 of the Policy Statement states that official plans must provide for the supply of land for a minimum of 10 years of residential development in keeping with this policy, this includes servicing policies to assist in implementing the plan to provide services for projected residential development for a minimum of ten years.

Many municipalities are currently under, and will be facing, new financial pressures in relation to the provision of services under their jurisdiction. AMO is currently conducting a review of Provincial Conditional grants to municipalities which should be published this spring. AMO is also participating in the Provincial-Municipal Social Services Review. The Provincial Government has also recently released a green paper entitled "Financing Growth Related Capital Needs" which covers municipal and school lot levies (with a forgiveness of 40% for affordable housing) and front end financing; this green paper will be reviewed by AMO as well.

With these current in depth reviews under way this preliminary response paper is clearly not the appropriate forum for detailed analysis of financing municipal infrastructure. However, it is worthwhile noting some of the new pressures on municipal finance.

AMO is naturally supportive of a cleaner environment, but new Ministry of the Environment regulations will significantly impact municipal budgets not only for new growth but for upgrading of existing facilities to meet higher standards.

The Municipal Industrial Strategy for Abatement (MISA) will impose tighter controls on industrial discharges into sewers and stronger regulations for sewage treatment plants. Meeting these new requirements will involve additional expense for many municipalities while some have real difficulty meeting current standards. According to the Ministry of the Environment "Report on the 1986 discharges from municipal Waste Water Treatment facilities in Ontario", 151 treatment plants or 37% did not meet the effluent

³See the Municipal Act, R.S.O. 1980, c.302, ss.215,218 which allow municipalities to impose special charges for additional sewer or water supply capacity. There is currently no authority to provide for recovery of additional costs to the remainder of infrastructure services created by residential intensification on an existing service base.

requirements for the fifteen conventional pollutants. According to the 1986 Report "some facilities fail because of operational inadequacies, some require modifications to process equipment or the collection system, and others require major capital expansion." Obviously municipalities do not have the financial capacity to fund both the upgrading of existing facilities and new infrastructure resulting from new development.

Waste management is another area where municipalities are facing new costs. There are currently some 35 waste management master plans in progress and 160 municipalities have less than two years capacity left in their landfill sites. Costs for new waste technologies are higher than for older unacceptable technologies. For example, the County of Wellington has estimated that a 200-300 acre landfill and transfer station will cost \$3-4 million, with annual operating costs of \$1.8 million. An energy from waste plant would cost \$20-30 million.

The Provincial Government's recently released green paper titled "Financing Growth Related Capital Needs" indicates that municipalities will be permitted to use lot levies to recover up to 100% of growth related capital costs of all services, both hard and soft. In determining the capital cost for each facility, the municipality would calculate the present value of the capital expenditure, net any government grants, previous contributions and any and all reserves specifically earmarked for that capital expenditure.

The green paper also provides for school boards to create their own lot levies, while at the same time the Ministry of Education will be reducing capital grants to boards (for capital expenses and retrofit) from an average of 75% to an average of 60%.

The Association is concerned that capital grants to municipalities for infrastructure will be eroded since municipalities may use lot levies to finance up to 100% of growth related capital costs. The source of the funding for this infrastructure may have a significant impact on the economy of the province. If the funding comes directly and entirely from lot levies this may escalate housing prices enough to reduce the rate of housing production. If the funding came from general provincial revenues it may not impact the housing market as significantly because it will not be directly reflected in housing prices. An accurate determination of these impacts should be the subject of a Provincial Government economic study.

The Policy Statement requires long term municipal planning commitments for servicing residential growth but it does not indicate the level of detail of this planning nor does it indicate a provincial commitment to funding programs, as a reflection of the expressed provincial interest in housing, to assure the feasibility of these plans.

RURAL MUNICIPALITIES

The Policy Statement applies to all municipalities in Ontario. Many rural municipalities will be faced with unique difficulties by the requirements of the policy statement. For many rural municipalities within a commuting distance of an urban centre land cost is relatively high and so affordable housing will require small lots. Since many of these municipalities are not on sewer systems larger housing lots will be required to accommodate septic systems and so the creation of affordable housing without infrastructure is impossible. Below are paragraphs quoted from the responses of two

rural municipalities. The Association believes that the concerns expressed are reflective of the concerns of many rural municipalities across the province.

The Township of West Carleton responded in their letter of January 13, 1989 stating:

"(b) Development in Unserved Rural Areas"

"... Neither the Draft Housing Policy Statement or the guidelines address anything other than urban type development. Each individual local municipality whether urban or rural is, however, required to formulate policies to implement the guidelines. In the case of the Township of West Carleton being one of the Municipalities which form the Regional Municipality of Ottawa-Carleton, such policies must be in place within one year of issuance of the Policy Statement. We feel that it is imperative that the final policy Statement make provision for areas which are not serviced by either municipal water and sewer or public transportation.

(c) Provision of Affordable Housing

Of the housing built in the Township of West Carleton within the past two years, 69% would satisfy the needs of the moderate income (60th percentile) families. None of the housing would, however, meet the needs of the low income population. The reason for this is the fact that the density required cannot be accommodated on private wells and septic systems.

Consideration must also be given to the fact that as there is no public transportation system, a car is not a luxury in the rural area, it is an absolute necessity. This, added to the fact that there are no subsidized day care facilities located within the Township, or other support systems, make it questionable whether low income families would wish to locate in rural areas.

The Policy Statement requires that the 25% affordable housing which must be provided is to be divided as to 50% for the low income and 50% for the moderate income residents. We can see no way that this requirement can be met at the low income level without creating a serious risk of ground and water pollution.

(d) Land Designation and Defined Planning Areas

The Policy Statement requires that land should be designated for development in the Official Plan, that defined planning areas be identified and that the Official Plan provide for the density of development within these planning areas.

The township of West Carleton covers 232 square miles with a population of 12,300 and no major population centre. Over 50% of the land is high priority agriculture where residential development is not permitted. Density of development is decided by a hydrogeology study and terrain analysis which must be done before any development receives draft approval. If the municipality is to predesignate land for development and the density of that development, it will be necessary to have the appropriate studies done for all non-agricultural land within the Township. The cost of this is beyond the resources of a rural municipality."

". . . Of all the policies contained in the Policy Statement, this could cause the greatest environmental damage, risk to the residents from water pollution and potential cost to the Province to provide alternative water supply. All existing policies set densities which are considered safe for ground water and sewage disposal factors. At the present time any increase in such density, ie. from a single family dwelling unit to a duplex requires a rezoning. This gives the Ministry of Environment an opportunity to review the application and make known any concerns as to the suitability of the well and septic system to accommodate the additional unit. To require any unserved municipality to permit indiscriminate conversions as set out in the draft Policy Statement shows no concern for either the natural environment or the health and welfare of future residents."

". . . While the Council of the Township of West Carleton is concerned that few of our young people are able to remain in the municipality after reaching adulthood due to lack of affordable accommodation, it also recognizes that being unserved, we cannot provide the type of accommodation necessary, ie. townhouses, etc. In the event any part of the municipality should receive municipal services, then an amendment to the Official Plan would be required and at that time the serviced land would be made a defined planning area and policies put into place to provide for affordable housing. In the meantime, the Ministry of Housing and Ministry of Municipal Affairs should discuss the whole matter of development in unserved areas with representatives of the Ministry of Environment. It may also be of assistance if this Ministry were asked to provide information as to the amount of funds at present committed by the Province under the Direct Grant Program to remedy problems in unserved areas caused by just the type of over-development which is now being envisaged by the Ministry of Housing and Ministry of Municipal Affairs."

The Town of East Gwillimbury responded in their letter of January 5, 1989 stating:

"... At the present time the Provincial Government have[sic] not made any commitments for additional funding for the provision of servicing and infrastructure such as roads and schools for East Gwillimbury. It is difficult to develop affordable housing on half acre lots serviced by septic systems. The Rural Communities Servicing Study, recently prepared for York Region, is recommending a further increase to a minimum size of 1 acre lots for properties on private sewage systems. This recommendation is not compatible with the Provincial goal to create affordable housing.

East Gwillimbury wants to build a complete community with commercial and industrial employment available for residents. Therefore, when considering affordable housing it is also necessary to consider the employment base in order that a large "bedroom community" is not created. The provision of servicing would benefit the commercial and industrial employment base thereby creating a more balanced community. It would also provide necessary tax assessment for the increase in services required to support affordable housing such as roads, sewers, schools and libraries.

To permit residential intensification in existing single family neighborhoods would have the potential to permit many more residents without increasing the tax base to pay for the additional services required. In addition it could destabilize existing neighborhoods and would meet with strong opposition from many residents. More appropriate policies would permit intensification to occur only in new developments with full servicing available.

The Policy Statement does not deal with speculation which leads to high land costs making affordable housing difficult to achieve. In the Town of East Gwillimbury there are rural lands which are speculated on long before any urban designations are applied, or any urban development is anticipated by the Town. In addition the policy statement does not recognize that affordable housing will also be subject to speculation and may not be affordable for very long.

The Implementation Guideline contains affordability calculations which states that for a person with an annual income of \$26,500 an affordable price for a house would be \$75,500. Unless the Province is prepared to heavily subsidize the land and construction costs for this housing this price will be unattainable in East Gwillimbury."

There are other problems with the Policy Statement that are unique to rural municipalities. In "cottage country" and other rural municipalities with a strong tourism industry, there is concern over what will be considered housing development. If

"cottage" development is considered to be housing development it is therefore subject to planning for variety and mix and affordability. In these municipalities there may be a majority of proposed development in the form of "seasonal" or "recreational" housing. This is often actually year round housing that is only occupied on weekends, etc. It is not clear how this is to be accounted for when planning for development. Is it at all realistic to plan for variety and mix and 25% affordable housing development in these municipalities?

For some rural municipalities, there is real apprehension that the Policy Statement may be used by neighbouring urban municipalities as a justification for annexation to provide for the ten year supply of land.

IMPLEMENTATION, ENFORCEMENT AND MUNICIPAL AUTHORITY

There are substantial limitations on municipal authority to plan and zone in an attempt to implement the policies expressed in the Policy Statement, especially with respect to affordable housing.

Paragraph 3.2(c) requires municipalities to set zoning by-laws to, "include provisions and, as necessary, minimum and maximum standards to implement and provide for the housing types which will fulfill the affordable housing objectives of this policy". It is trite to say that in those municipalities with high housing demand and short supply the cost of land is the largest factor in the price of housing. The Policy Statement does not specifically require municipalities to zone for maximum lot sizes; however, zoning for maximum lot sizes could be one way of controlling the cost of housing.

Municipalities have clear authority to control minimum lot sizes through zoning by-laws.⁴ There is no authority for municipalities to control maximum lot sizes or frontages through zoning and so it would probably be illegal for municipalities to attempt to do so.⁵ This means that municipalities cannot use zoning for control over one of the key components in the cost of housing.

Prior to the amendments to the Planning Act in 1983 municipalities could pass by-laws regulating the cost of construction and the external design of buildings. The amendments to the Planning Act eliminated these features from the zoning by-law

⁴See Planning Act. S.34(1), paragraph 4 and S.34(3).

⁵"The courts have more frequently applied the rule of strict construction: common law rights cannot be held to have been taken away or affected by a statute, or by-law passed under it's authority, unless it is so expressed in clear language . . ."

authority and so zoning by-laws may no longer deal with the cost of construction or the external design of buildings.⁶

Since "There can be no doubt that at common law the owner of land may do anything with it that he desires to do, and that right is not to be infringed upon except insofar as a statute in clear terms permits",⁷ it is uncertain what other maximum standards may be imposed via zoning by-laws, although the Guidelines state "To ensure that the types of housing identified as affordable housing be built within the identified zones, it may be necessary to incorporate specific zoning standards which would permit only the housing types identified as affordable in the zones intended for affordable housing."(p.19) The Guidelines do not indicate what types of maximum standards may be imposed to achieve this objective or the legal authority for municipalities to impose them.

The Association is very concerned that in spite of the best efforts of municipalities, with the limited planning tools available to them, to provide the opportunity for the creation of affordable housing, there is no way for municipalities to ensure that this housing is actually built or that if it is built it will go to those most in need. Municipalities have no means of controlling occupancy so as to be sure that affordable housing goes to those in the income bracket it was intended for.

There are also no clear municipal powers for controlling the original price of housing and speculation on land and finished housing. Municipalities also have no clear authority to require land dedications for affordable housing or cash in lieu. Neither are municipalities able to zone for types of tenure (rental versus ownership)

Paragraph 3, 2(b) of the Policy Statement requires municipalities to set zoning by-laws to "provide for the variety and range of housing types, on the basis of provincially accepted standards of health and safety. In particular, minimum unit sizes are not to exceed the minimums required in the Ontario Building Code." The Planning Act clearly gives municipalities the right to set minimum unit sizes. The Policy Statement in effect amends these sections of the Planning Act without actually creating a formal amendment. The Association believes that a Policy Statement is an inappropriate vehicle for amending the Planning Act.

If municipalities are to play anything near the role required of them by the Policy Statement the Provincial Government will have to pass legislation giving them the necessary powers to fulfill this role.

⁶From the Law Society of Upper Canada. Bar Admissions course. 1987/1988, Notes for the Real Estate Course, Chapter 6.

Land Use Controls and Land Use Planning Ontario: The Planning Act, 1983 by Dennis H. Wood, B.Comm, L.L.B. of McCarthy and McCarthy, p. 133.

⁷Rogers, Canadian Law of Planning and Zoning, p.12.

EXCLUSIONARY BY-LAWS

Subparagraphs 2.4(a) and 3.2(d) effectively require municipalities to eliminate so called "exclusionary by-laws". These by-laws typically limit the number of "unrelated" persons that can occupy a dwelling unit. The Policy Statement requires the amendment of by-laws to permit the sharing of all residential units operating as a single housekeeping unit. The Guidelines indicate that by-laws should not distinguish between residents whether they are related or unrelated. "This policy means that any household which has chosen to reside in a single dwelling unit out of choice or because of some social bond between them should be allowed to reside in any dwelling unit within the municipality in accordance with the same regulations that apply to family households,...." (Guidelines p. 16, see also p. 38). The Policy Statement does clearly indicate that municipalities are not required to permit group homes, boarding houses or other forms of supervised residential care.

AMO has already submitted its position with respect to exclusionary by-laws in the AMO Report 88-9. The Association reaffirms its position as established in that report. The Association is of the view that limits on unrelated persons are not intended to be discriminatory in any way, but are merely put into place as a means of neighbourhood protection and preservation. The Association would point out that all by-laws, by their nature, are restrictive of some form of activity. The removal of the authority to establish exclusionary by-laws would adversely affect a number of communities by altering effectively proven municipal standards and thereby adversely affecting existing standard family occupied housing.

PUBLIC RESPONSE

Many municipalities will be faced with strong public opposition when they endeavour to implement aspects of the Policy Statement. The Policy Statement does not speak to this issue although it is recognized in the Guidelines. The Guidelines suggest the need for a strong and complete commitment from municipal councils in achieving housing objectives. The Guidelines also suggest, among other things, that municipalities should provide the public with positive information about the potential for success in meeting the housing need in the municipality. It is suggested that municipal officials collaborate with interested parties to resolve concerns and that representatives from the Ministry of Housing (if appropriate) would become involved. The Guidelines also suggest that council members adopt a supportive advocacy role whereby the needs and rights of future residents to be part of the community are advocated to the local residents.

The Guidelines only make one brief suggestion as to the involvement of representatives from the Ministry of Housing. There is no indication of any Provincial Commitment to supportive programs in furtherance of the provincial interest in housing. There is no commitment from the Provincial Government to show its strong support for municipalities that attempt to comply with the Policy Statement. The Policy Statement does not indicate any provincial commitment to providing information packages regarding the actual positive impact of different types of housing initiatives on communities, particularly the effect on property values.

APPENDIX

I. Summary of Sections

i. Section 3 – Policy Statements

Subsection 3(1) of the Planning Act means that the Minister (of Municipal Affairs) can establish that a matter is of provincial interest by the issuance of a policy statement. Subsection 3(5) outlines which bodies shall have regard to such policy statements when exercising any authority that affects any planning matter including every municipal council, every ministry (including of course the Ministry of the Environment and the Ministry of Agriculture and Food) or government agency and the Ontario Municipal Board, among others. Currently only two policy statements have actually been issued, one in relation to mineral aggregate resources, issued on May 1986 and the other in relation to flood plain planning issued on August 11, 1988. The words "shall have regard to" have yet to receive an Ontario Municipal Board (OMB) or Judicial interpretation.

ii. Section 17 – Official Plans

Section 17 allows for the creation of official plans by municipalities. Under subsection (11) the Minister may refer any official plan to the OMB. Subsections (19), (20) and (21) allow the Minister to give notice to the OMB that parts of the plan are likely to adversely affect a provincial interest (a provincial interest can be established by a policy statement as per section 3 noted above). When the Minister has given such notice, the Lieutenant Governor in Council (the Cabinet) may overrule the decision of the OMB and may modify the parts of the plan that the Minister believes adversely affect the provincial interest.

iii. Section 18 – Planning Boards

Section 18 refers to plans created by planning boards. Subsection 18(5) gives the Minister and the Cabinet the same powers to deal with plans created by planning boards as they have with official plans created by municipal councils.

iv. Section 22 – Official Plan Amendments

Under Section 22 a person can request the Minister to refer an official plan amendment to the OMB if the municipal council fails to adopt the amendment. Subsections 22(5) and (6) give the Minister and the Cabinet the same rights to overrule the OMB as they have under section 17 noted above.

v. Section 23 – Ministerial Request for Official Plan Amendment

Section 23 gives the Minister the right to request a municipality to amend its official plan where a matter of provincial interest is likely to be adversely affected by that plan. The Minister can make the amendment if the municipality refuses, but the Minister can be required to request the OMB to hold a hearing on the matter.

Nevertheless, the Cabinet can overrule the OMB decision and make the amendments to the plan.

vi. Section 34 – Zoning By-laws

Section 34 establishes the authority for local municipalities to establish land use control zoning by-laws. Under subsection 34(18) the Minister can appeal any zoning by-law to the OMB. As with the sections on official plans, the Minister may give notice of a provincial interest adversely affected and the Cabinet may overrule the OMB and repeal or amend the by-law.

vii. Section 46 – Ministerial Zoning Order

Section 46 gives the Minister the power to make orders exercising any of the zoning by-law powers under Section 34 but without being subject to the requirements of prior notice and public hearings. Such by-laws created by the Minister prevail over conflicting municipal by-laws. Where a reasonable request is made of the Minister to amend or revoke an ordered by-law, the Minister shall request the OMB to hold a hearing. The OMB decision would normally be final, but once again the Minister may give notice to the OMB of a provincial interest that is likely to be adversely affected. Once such notice is properly given the Cabinet may overrule the OMB.

Taken together the above sections of the Planning Act show that the significance of a policy statement as an expression of provincial interest goes beyond merely "shall have regard to". Once a policy statement has been issued it can be used by the Provincial Government to create or to change any municipal official plans, official plan amendments and zoning by-laws.

The above noted sections of the Planning Act do not require the Minister to give reasons why a part or parts of official plans, official plan amendments and zoning by-laws would likely have an adverse effect on a provincial interest. Nor does the Housing Policy Statement indicate that the Minister will give such reasons or any detailed recommendation to municipalities as to what a municipality may be expected to do in order to comply with the Housing Policy Statement.

I. Sections of the Planning Act with respect to the Significance of Policy Statements under the Planning Act

i. Section 3 -- Policy Statements

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| Policy Statement | (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by The Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. |
| Regard to be had to policy statement | (5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1). 1983, c.1,s.3. |

ii. Section 17 -- Official Plans

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|--|---|
| Referral of plan or part thereof to O.M.B. | (11) The Minister may refer the plan or any part of the plan to the Municipal Board and where the council or any person or other body requests the Minister to refer the plan or any part of the plan to the Municipal Board, the Minister shall refer the plan or such part to the Board, together with the statement mentioned in subsection (12), unless in his opinion, such request is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay. |
| Where provincial interest adversely affected | (19) Where the plan or any part of the plan is referred to the Municipal Board under subsection (11), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the part thereof, may so advise the Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the plan or the part or parts of the part of the plan, as the case may be, by which the provincial interest is, or is likely to be, adversely affected. |

Decision where provincial interest (20) Where the Municipal Board has received notice from the Minister under subsection (19) the decision of the Board is not final and binding in respect of the part or parts identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the part or parts.

Power of Lieutenant Governor in Council (21) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the plan identified in the notice and in doing so may direct the Minister to modify the part or parts of the plan. 1983, c. 1, s.17.

iii. Section 18 – Planning Boards

Application of s.17 (2-21) (5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality. 1983, c. 1, s.18.

iv. Section 22 – Official Plan Amendments

Referral of proposed amendment to plan to O.M.B. (1) Where any person requests a council to initiate an amendment to an official plan, other than an official plan that applies in whole or in part to territory without municipal organization, and the council refuses to adopt the amendment or fails to adopt it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board.

Powers of Minister to confer, etc. (3) The Minister may confer on the proposed amendment in like manner as he is authorized to confer under subsection 17 (9) and he may refuse the request to refer the proposed amendment to the Municipal Board on providing a written explanation for the refusal or may refer the proposed amendment to the Board.

Where
provincial
interest
adversely
affected

- (5) Where a proposed amendment is referred to the Municipal Board under subsection (3), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the proposed amendment, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the proposed amendment by which the provincial interest is, or is likely to be, adversely affected.

Procedure by
O.M.B.

- (6) Where the Municipal Board receives notice from the Minister under subsection (5) the provisions of subsections 17 (20) and (21) apply with necessary modifications. 1983, c.1, s. 22.

v. Section 23 – Ministerial Request for Official Plan Amendment

Request by
Minister to
amend plan

- (1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, adversely affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses or fails to adopt the amendment within such time as is specified by the Minister in his request, the Minister may make the amendment.

Hearing by
O.M.B.

- (2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made.

Decision of
O.M.B.

- (5) The Municipal Board, after the conclusion of the hearing, shall make a decision as to whether the proposed amendment, or an alternative form of amendment, should be made but the decision is not final and binding unless the Lieutenant Governor in Council has confirmed it.

Powers of L.G.
in C.

- (6) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board made under subsection (5) and in doing so may direct the Minister to amend the plan in such manner as the Lieutenant Governor in Council may determine. 1983, c. 1, s.23.

vi. Section 34 – Zoning By-laws

Appeal to
O.M.B.

- (18) Any person including the Minister or agency may, within thirty-five days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Powers of
O.M.B.

- (27) The municipal Board may,
(a) dismiss the appeal; or
(b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.

Where
provincial
interest
adversely
affected

- (28) Where an appeal has been filed under subsection (18), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Procedure

- (29) Where the Municipal Board has received notice from the Minister under subsection (28) and has made a decision on the by-law the Board shall not make an order under subsection (27) in respect of the part or parts of the by-law identified in the notice.

Power of L.G.
in C.

- (30) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such manner as the Lieutenant Governor in Council may determine.

vii. Section 46 – Ministerial Zoning Order

Power of
Minister re
zoning and
subdivision
control

- (1) The Minister may by order,
(a) in respect of any land in Ontario,
exercise any of the powers conferred upon councils by section 34,

Power of
Minister to
allow minor
variances

- (2) Where an order has been made under clause (1)(a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 44(1) and (2) in respect of a by-law passed under section 34, but the provisions of subsections 44(4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.

Order prevails
over by-law in
event of
conflict

- (3) In the event of a conflict between an order made under clause (1)(a) and a by-law that is in effect under section 34 or 37, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

Hearing by
O.M.B.

- (10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Decision of
O.M.B.

- (13) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall, except as provided in subsection (16), give effect to the decision of the Board.

Where
provincial
interest
adversely
affected

- (15) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the requested revocation or amendment, he may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the application.

Decision where
provincial
interest .

- (16) Where the Municipal Board has received notice from the Minister under subsection (15) and has made a decision on the requested revocation or amendment the Minister shall not give effect to the decision under subsection (13) unless the Lieutenant Governor in Council has confirmed the decision.

Disposition by
L. G. in C.

- (17) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board where notice of a matter of provincial interest was given under subsection (15) and in doing so may direct the Minister to amend or revoke the order in whole or in part.

Association of Municipalities of Ontario

Suite 805 • 100 University Avenue, Toronto, Ontario M5J 1V6 • Telephone 593-1441

February 14, 1989

TO: HEAD AND MEMBERS OF COUNCILS

The Executive Committee of the Association of Municipalities of Ontario on February 10, 1989 endorsed the attached preliminary response to the government green paper on "Financing Growth-Related Capital Needs".

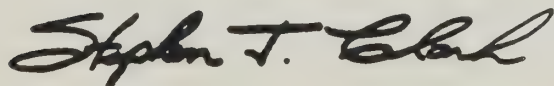
The Association strongly states that,

- . Lot Levies for schools not be introduced
- . The capital grant program to school boards should not be reduced
- . Growth-related capital costs be defined to include fixtures and equipment.

The Association's comments are preliminary in that the response to the green paper will be thoroughly discussed by the AMO Board of Directors meeting March 31, 1989. This report has been officially forwarded to the Government of Ontario to meet their February 28, 1989 deadline for response.

Please bring this report to the attention of your council. Municipalities are urged to forward their comments to AMO, to the Premier of Ontario, the Treasurer of Ontario, the Minister of Education, the Minister of Housing, and your local members of Provincial Parliament.

Yours truly,



Stephen Clark
President, AMO

SC/BA/cn

**AMO PRELIMINARY RESPONSE TO GREEN PAPER ON
"FINANCING GROWTH-RELATED CAPITAL NEEDS"**

as approved by the February 10, 1989
Meeting of the AMO Executive Committee

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I INTRODUCTION

Since 1982, the Association and many of its member municipalities have endeavored to obtain a clear, firm legislative basis for the collection of lot levies. More recently, AMO worked together with the Ministry of Municipal Affairs, the Urban Development Institute and the Ontario Home Builders Association to resolve the issue of growth related development charges.

The release of the Green Paper, Financing of Growth-Related Capital Needs, on December 12th, 1988, by the Honourable Robert Nixon, Treasurer of Ontario, is an initiative much welcomed by AMO. In offering its appreciation and support to many of the recommendations within the Green Paper, the Association must, nonetheless, record its strong objection to certain other aspects. AMO's major concerns are:

1. The introduction of lot levies for school purposes is most disturbing to AMO. It is a step in the opposite direction from the path which education financing should be taking; that is, away from a property tax base and towards a more progressive tax base.
2. It is alarming to see the Province of Ontario moving to participate in the lot levy field. The reduction in the school capital grant percentage from 75% to 60% can be interpreted in no other way.
3. Eliminating furniture, fixtures and equipment from the definition of capital costs is neither theoretically sound nor minor in magnitude. This provision would probably result in a decrease in existing lot levy charges for most municipalities that currently have an analytically-supported lot levy system.

AMO therefore recommends that,

- . LOT LEVIES FOR SCHOOL PURPOSES NOT BE INTRODUCED;
- . THE CAPITAL GRANT PROGRAM TO SCHOOL BOARDS SHOULD NOT BE REDUCED;
- . GROWTH-RELATED CAPITAL COSTS BE DEFINED TO INCLUDE FIXTURES AND EQUIPMENT.

If the green paper were to be legislated without change, there would be a major negative impact on municipal finance and housing prices in Ontario. A summary of the AMO position on the green paper is listed below.

Features of Green Paper Supported by AMO

1. Provides legislative authority for a municipality to establish lot levy fees on a permissive basis.
2. Provides legislative authority for municipalities to establish front-end financing arrangements on a permissive basis and to reimburse developers for up-front investments. This is linked to lot levy legislation.
3. Lot levy by-laws will have a maximum duration of five years with earlier revision at the discretion of the municipality, but not others.
4. Appeal of the lot levy by-law to the OMB is available within 20 days of its adoption, but not thereafter. The appeal will not delay the development process (a major concession by AMO).
5. Revisions made by the OMB on appeal, apply to all developers, not just the appellant.
6. A phase-in period is provided.
7. Calculation of the lot levy features:
 - a. present value calculation;
 - b. costs are net of government grants, contributions and reserves;
 - c. uniform levies are permissible, as are directly attributable costs;
 - d. average costing is acceptable;
 - e. costs include only growth-related projects that relate to existing levels of service;
 - f. developers will receive credit for constructed works consented to or requested by the municipality;
 - g. levies may be indexed semi-annually;
 - h. levies are collected at building permit issuance unless agreed otherwise by the municipality and the developer;
 - i. levies can be charged against all types of development;
 - j. fees are credited to at least one reserve fund subject to full accountability and full disclosure;
 - k. growth-related capital costs are completely chargeable.

8. Front-end financing provisions are:

- a. registration against the property is not required;
- b. the process is permissive;
- c. municipal liability is limited to remitting collected fees;
- d. the municipality can define a benefitting area and determine a unit charge for recovering up-front costs;
- e. the unit charge can be indexed;
- f. proceeds would go into a special account subject to full accountability and disclosure.

Features of Green Paper Strongly Opposed by AMO

1. Authority to charge lot levies is being extended to school boards.
2. The Province of Ontario, through reductions in school capital grants from 75% to 60% is, in effect, entering the lot levy field.
3. Eligible capital costs do not include rolling stock, furniture, fixtures or equipment.

Features of Green Paper Not Supported by AMO

1. The phase-in period is one year, not two years.
2. Specifications of existing levels of service are vague.
3. The requirement for public input at the lot levy approval phase is unclear.
4. Charging lot levies in instances of changing density is not addressed.
5. The question of rezoned land is not addressed.

II OBJECTIVES AND APPROACH

Objectives

With respect to the "Objectives for Financing Capital Growth" as identified in the green paper, AMO takes the following position:

- provide structure and accountability for existing municipal lot levies;*

AMO supports for existing and future municipal lot levies.

- . *ensure a uniform approach to municipal front-end financing;*

AMO supports.

- . *accelerate the rate of school capital construction to reduce the backlog and accommodate new growth;*

AMO agrees that the objective is appropriate, but disagrees that a lot levy for school purposes is an appropriate way to achieve that objective.

Since the Province of Ontario has frozen its level of support for school board capital programs at the 1988 level of \$300 million for 1989 and since the backlog of capital needs in this area is \$1.7 billion, the Government of Ontario has avoided its responsibility by pretending that a lot levy for school purposes would solve the problem. In fact, it would not even begin to address the problem.

- . *provide increased responsibility for capital to school boards by moving their share from the current 25 per cent to 40 per cent on average, coupled with new revenue sources and financing options;*

AMO does not take a position on the need for increased responsibility for capital to school boards. However, the thrust of the program set out in this paper, to ostensibly achieve this objective, represents an intrusion of the Province of Ontario into the municipal lot levy revenue base, which AMO strongly opposes.

- . *support the Provincial policy on affordable housing;*

AMO supports the principle of affordable housing, but the program described in this paper has the effect of moving the Province into the area of lot levies and would not achieve affordable housing.

- . *ensure that new development shoulder some of the burden of the capital costs associated with that growth;*

AMO supports, but should be all of the burden of growth.

- . *provide flexibility in financing arrangements*

AMO supports.

The AMO response to the Provincial approach, described in the green paper is as follows:

1. *Enable municipalities to use lot levies to recover from the various classes of residential, commercial and industrial property up to 100 per cent of net growth-related capital.*

AMO agrees.

2. *Enable school boards to use lot levies to recover from the various classes of residential property up to 100 per cent of net growth-related capital costs (i.e., new pupil places).*

AMO disagrees.

3. *Limit the municipal and education levies on affordable houses to a maximum of 60 per cent of the levies on other houses.*

AMO disagrees.

4. *Lever a greater amount of school construction from current Provincial grant levels by decreasing the average Provincial rate of support on approved school capital from 75 per cent to 60 per cent.*

AMO disagrees.

5. *Reduce school board borrowing costs, particularly for smaller school boards, by providing them with access to Canada Pension Plan funds for approved capital projects. Priority access would be given to those boards facing the highest borrowing costs. The existing policy, allowing the use of debentures for capital needs, will be maintained.*

AMO agrees.

6. *Encourage boards to pursue alternative means of financing. Boards could negotiate with developers to provide payment in kind (e.g. facilities of land) instead of paying lot levies.*

AMO is neutral to the encouragement of school boards to pursue alternative means of financing, but disagrees where any approach using lot levies is applied.

7. *Provide legislative authority for municipalities to establish front-end financing arrangements at their discretion, and to reimburse developers for building oversized sewer, water and road services.*

AMO agrees.

Legislative Implications

A Development Charges Act would be required to provide the authority for municipalities to establish and adopt lot levy by-laws for their own purposes and for school board purposes. Lot levies would be introduced at the option of the municipality or school board, the school board doing so by way of a request to a municipality. All lot levy by-laws would be subject to appeal at the Ontario Municipal Board. The Act would also be required to provide the authority for municipalities to establish front-end financing arrangements.

AMO agrees to the extent of providing authority for municipal lot levies, appeal to the Ontario Municipal Board and front-end financing.

AMO disagrees with extending lot levy authority to school boards.

Timing of Implementation

- . *The Government plans to introduce legislation to implement a strategy during the next session of the Legislature. The timing of implementation, including whether legislation should be effective from introduction of the Bill or on Royal Assent, is subject to consultation. Until a Bill is introduced, municipalities are asked to hold lot levies at their current levels to provide certainty to all parties.*

AMO objects to the Treasurer of Ontario requesting municipalities to hold lot levies at their current level. It is unrealistic to expect municipalities to follow such a request, because:

- . lot levy indexing is almost automatic and is required to provide adequate funding for growth - related capital projects;
- . provincial grant levels have been reduced drastically for some municipalities for 1989. This could have significant impact on the municipality's ability to finance its capital program and the supportable level of lot levy charges.
- . the Province may not enact lot legislation during the next session of the Legislature, thus creating financial hardship for some municipalities from a protracted lot levy freeze.
- . Provincial responsibilities that have an impact on growth-related capital costs are constantly being transferred to the municipal level of government.

III MUNICIPAL LOT LEVIES

The AMO position on Municipal Lot levies is set out below:

Certainty

- In the interest of certainty and stability, an unamended by-law should have a duration no longer than five years. To remain in force after five years, a new by-law must be enacted to give the municipality legal authority to collect lot levies.*

AMO agrees.

Right of Appeal

- Under the proposed system of appealing lot levy by-laws, anyone who disagreed with the by-law could appeal to the OMB within 20 days of its adoption. The OMB would have the authority to alter the lot levy amount, based on evidence presented. This would ensure that the municipality prepares its case thoughtfully and thoroughly with regard to the intent of the legislated framework. Once the appeal period had elapsed, no further appeals would be permitted, with the exception of appeals on by-law amendments, until a new by-law has been established.*
- During an appeal, developers could proceed with construction without delay, by paying the lot levy set out in the by-law. Any amounts in excess of those allowed by the OMB would be refunded with interest.*

AMO agrees, except:

- a. The legislation could result in greatly increased workload for the OMB. The Province should undertake to increase OMB staff with sufficient qualified and knowledgeable staff to cope with the workload within a reasonable time. Otherwise, the proposed lot levy appeal system would be unworkable.
- b. Appeals should only be available to persons with a direct interest as defined in the Planning Act.
- c. It is noted that the procedure allows for developers to proceed with construction during the appeal process. Agreement by AMO on this point is a major concession.

Phase-In Provisions

- The concept of a phase-in period for new lot levy by-laws has been unanimously supported by the Urban Development Institute, the Ontario Home Builders' Association and the Association of Municipalities of Ontario. A maximum of one year would be granted for municipalities' by-laws to conform with the legislation. In the interim, the existing lot levy policy would be in effect. After the phase-in period, no lot levy charges could be collected until a new lot levy by-law was adopted.*

AMO agrees, except the phase in should be two years. If only one year were provided for a phase-in, it is doubtful that the municipal and OMB workloads resulting could be accommodated even with increased staff.

Eligible Cost

Municipalities would be permitted to recover up to 100 per cent of the growth related capital costs of all services (both hard, e.g. sewers, and soft, e.g. arenas). It is proposed that capital would be defined as land, buildings and associated financing and acquisition costs. Capital would not include expenditures required to maintain the ongoing operations of the facility or to acquire rolling stock, furniture, fixtures or equipment. This definition of capital cost is simple and verifiable by the OMB. It has been estimated that these capital costs represent 80 to 90 per cent of the total cost of establishing most new municipal service facilities.

In the determination of the capital cost for each facility, the municipality would calculate the present value of the capital expenditure, net of any government grants, previous contributions and any and all reserves specifically earmarked for that capital expenditure.

AMO disagrees:

- a. Growth-related capital is not restricted to real property. Rolling stock, furniture, fixtures and equipment can be a significant portion of a municipality's growth-related capital costs, much in excess of the green paper's unsupported estimate of 10 to 20 per cent. In addition to library books and shelving, these costs also include:
 - . equipment and fixtures in a sewage or water treatment plant (this can amount to more than half the cost)
 - . fire trucks
 - . waste collection vehicles
 - . transit vehicles
 - . heating and cooling systems
 - . heavy equipment
- b. Caution in crediting all reserves to a lot levy calculation must be exercised to ensure that the reserves pertain to the relevant situation and not to prior growth.

Methods of Calculating Lot Levy Charges

On December 19, 1985, in response to the petition to Cabinet on the OMB decision regarding Mod-Aire v. Bradford, 1984 Cabinet issued the following guidelines.

- a) *It is within the power of a municipality to establish uniform lot levies, provided that there is a reasonable relationship between the proposed levies*

and the overall costs to the municipality attributable to growth with respect to the services covered by the levies; and

- b) There need not be a direct relationship between the additional cost incurred by the municipality and the utilization of any given service that is the subject of the levy. A lot levy may be a combination of a uniform levy for average costed services and any additional amounts for other services financed as directly attributable to the subdivision proposed to be charged.*

The primary rationale for introducing a lot levy is that a municipal council should be able to require new development to pay the capital costs associated with servicing growth. Therefore, only those capital expenditures incurred or expected to be incurred by the municipality within a reasonable time frame, that specifically serve or benefit new development, would be included in the determination of the lot levy charge.

Municipalities that have no existing lot levy policy or have a relatively insignificant one, and that have outstanding capital commitments attributable to recent growth, would not include any amounts related to previous development in lot levy calculations.

AMO agrees, except.

- a. provincially established standards, if higher, would qualify as "existing".*
- b. AMO would be consulted in advance, before guidelines on methods were established by the Province.*

Credit for Works Constructed by Developers

A developer may be required by the municipality to construct external capital facilities in order for a particular development to proceed. These works may form part of the overall municipal service system, be installed with the consent or at the request of the municipality and be included in determining the lot levy charge. If so, the developer should receive credit against the lot levies. Developers who are dissatisfied with the compensation may appeal to the OMB with all pertinent information.

AMO agrees.

Indexation of Levies

Municipalities would be permitted to increase their lot levy charges on an annual or semi-annual basis in accordance with the Southam Construction Price Index or any other index. This would ensure that lot levy charges keep abreast of inflation for the years between reviews.

AMO agrees.

Timing of Payments

- . *Lot levy charges would be payable by the developer when the building permit is granted. This is adequate for municipal funding requirements because the majority of the services financed by the lot levy (with the possible exception of roads, sewer and water costs) are installed after much of the growth has occurred. Municipalities and developers may agree to prepayment of a portion of the levies to facilitate the early construction of major works. Corresponding adjustments would be made to the final levy amounts. Conversely municipalities would choose to allow developers to pay at a later date, such as when the first lots are sold.*

AMO agrees except that municipalities should also have the legislated option to collect at the time of the execution of the sub-division agreement.

The concept that lot levies are payable on the issuance of the building permit suggests to AMO that there should be a "sunset" clause for the time frame of development of the land. Land owners should not be able to "hold" land for an undetermined length of time, without initiating actual development.

Collection of Upper Tier-Levies

- . *All development must be processed through the lower tier. It would be reasonable if the responsibility for collection for all local governments rested with the lower tier. The upper tier's lot levy would be credited to its account within 90 days of collection, unless an extension was agreed to by the upper tier.*

AMO partially agrees. Levies should be collected at the same time by the upper and lower tier municipalities preferably at the building permit stage, unless otherwise agreed to.

Classes of Development

- . *Municipal lot levies might be charged on commercial and industrial as well as residential development, subject to the requirement that the levies charged against commercial and industrial residential development only recover the growth-related capital costs of that particular class.*

AMO agrees.

Accounting and Disclosure Requirements

- . *There is strong support for the concept of full accountability with respect to the accumulation and utilization of lot levy receipts.*
- . *A municipality that adopts a lot levy by-law should establish, as a minimum, one reserve fund to account for all lot levy receipts. In addition, the Treasurer of each municipality, (must issue) a statement of continuity for each reserve fund established for the year ended December 31st.*

Each statement of reserve fund continuity would include an addendum which indicates, on a project-by-project basis, the intended application of the amounts transferred to the capital fund. Municipalities would be obliged to inform all new homebuyers in areas subject to lot levies, of the levy amounts and their intended uses. This would further enhance the accountability of the municipality. Where lot levy funds initially transferred to the capital fund are reallocated during the year to a project that is functionally different, this realignment should also be noted. The intent is that each municipality would institute an internal structure of accountability that would readily permit it to respond to concerns that might be subsequently raised regarding the application or appropriateness of the lot levies imposed.

AMO agrees with the intention of providing full accounting and disclosure. However, AMO resents the implication that existing procedures of accounting and disclosure are inadequate and require reinforcement. In fact municipal accountability is the most advanced and open of any level of government in Canada by a significant margin. The requirement to inform all new homebuyers in areas subject to lot levies, of the levy amounts and their intended uses constitutes duplication and the inefficient use of limited resources.

Public Input

The questions of "public input" during the process of establishing a municipal lot levy by-law has not been specifically addressed in this paper, but has been indirectly referred to in the discussion of School Purpose Lot Levies. It is assumed that legislation would require at least one meeting to inform the public about the determination of the municipal lot levy charge and its application. AMO would agree with this provision if it were adopted.

IV SCHOOL PURPOSE LOT LEVIES

The financing of the elementary and secondary education systems through property taxes has long been criticized as inappropriate. The Smith Commission of 1969 and the Blair Commission of 1978 are notable examples of this. Because education is a learning process that prepares people to enhance their earning capability, it is far more appropriate that it be funded through income taxes and other progressive forms of taxation.

The AMO Policy on education finance, as adopted at the AMO Annual Conference in August, 1988, is:

"E-02 - Education Finance

Since the benefits of a good education system are not directly related to property but extend throughout the community, the province, and the nation, educational costs should be entirely financed from forms of tax revenue other than the property tax.

E-03 - Education Transfers

Until the foregoing has been achieved, the annual grants to boards of education must be announced and paid at the earliest possible date each year so that municipal councils will have the necessary information to complete the property tax calculation."

The intention, expressed in the green paper of extending the authority to charge lot levies for school purposes is movement away from eliminating education from the property tax system. This, in itself, should be sufficient to cancel the plan.

The introduction of lot levy for school purposes can have a range of impacts, depending on the economic climate. Any additional costs on a home will work itself through the economy in a number of ways. A lot levy is shared by a combination of lowered developer profit margins, lowered prices paid for raw land to a farmer in most cases, and higher house prices. With respect to the higher house prices the trade-off is between a higher house price or higher municipal taxes and lowered services. All three of these factors will be affected to a greater or lesser extent.

Developers would not make such strong representations if the house price argument was the only argument. Surely as house prices rise the demand for the house will fall and developers must lower prices in order to satisfy the market place. They in turn will pass along this reduced return to them by negotiating with the raw land owners.

This does not mean that there is not some bottom line impact on the actual purchase price of the house. To the extent that the municipality bears the increased capital costs of new growth it is reflected in increased taxes and sewer and water rates which all residents, new and existing, must pay. Municipalities have been accountable and on-record stating that new residents will pay these costs upfront.

It is not argued that the education system does not need additional capital funding sources, rather it is argued that lot levies are not an appropriate vehicle to achieve this.

If the Province of Ontario persists in imposing a school purpose lot levy, the system proposed in the green paper is unworkable. Some of the reasons for this are:

- . A school purpose lot levy would be created by a school board resolution asking the municipality to pass the appropriate by-law. It is the by-law that would be subject to appeal at the OMB. The municipality would then be placed in the impossible situation of defending a lot levy by-law with which it had no influence in establishing.
- . If one school board established a levy and another co-terminus school board followed suit, but at a much lower rate, then the taxpayers supporting the first board could be partially subsidizing the second since drawings from the common lot levy fund is independent of contributions to it and are at the authorization of the Ministry of Education.
- . The proposed system could foster controversy or even animosity between municipalities and school boards. For reasons of fostering economic development, a municipality may decide to forego a lot levy charge. A decision by a school board in the municipality to charge a lot levy would not only negate the municipal initiative, but the municipality would be forced to introduce a procedure for collecting the unwanted levies.
- . The education methodology requires a basis in the Multi-Year Capital Expenditures Forecast which could well be an unreasonable time frame for proper capital planning and could also be inconsistent with the municipality's time frame.
- . The proposed system is vague in identifying whether all co-terminus boards would have the same levy, different levies going into one pool with equal rights to withdraw, or a levy for all boards equal to that established by the first board to establish a rate. All of these systems are inequitable.
- . Co-terminus school boards are not defined and no mention is made of non-co-terminus boards. Where these exist, no system has been proposed.
- . The designation of non-growth areas is counter to the concept of a uniform lot levy.
- . The Province plans to move into the lot levy field by reducing capital grants to school boards from 75% to 60%. This is a decrease to be applied across the Province. School boards are expected to make up the difference from lot levies, an "optional" alternative. In these circumstances, school boards are forced to "opt" for lot levies, whether justifiable or not and has the effect of transferring \$100 million from Provincial revenues to the municipal level.
- . Collection by lower-tier municipalities involves increased demand on scarce resources and their administrations. This has apparently not been contemplated in the Province's analysis.

- . Lot levies cannot be used to replace portables or convert them to permanent structures, where they are not capital costs related to future growth. Yet, the green paper preamble implies that these requirements are the primary justification for introducing an education lot levy.
- . An education lot levy benefits a few urban high growth school boards, but the cost, through reduced capital support by the Province, hits all school boards.
- . The stated problems of education capital financing cry for solutions other than an education lot levy, which is inappropriate, inadequate and damaging to municipalities and housing initiatives.

V AFFORDABLE HOUSING

The Province of Ontario expresses concern for affordable housing on the one hand, while moving to increase the cost of affordable housing and reasonable priced housing on the other. The green paper would limit the amount of levy chargeable on what they have yet to define as "affordable housing."

In existing affordable housing initiatives, the lot levy is included in the capital costs of the building which ultimately is subsidized by the Provincial and Federal governments. By proposing to cap the levy on affordable housing at 60%, the Province is reducing its subsidy on affordable housing and passing it directly to municipalities. If the municipality does not collect 40% of the levy on affordable housing it does not mean it can reduce 40% of its capital infrastructure. The same sewer and water and roads and day care and police facilities would have to be built. The only difference is that the capital cost of the facility is reduced and the federal and Provincial subsidy is reduced. It will make no difference to the rent of the tenants in those facilities. In effect, the Provincial level of government is burdening the municipal government with funding of affordable housing, a Provincial responsibility.

AMO adopted policies on housing programs at the AMO Annual conference in August, 1988. The pertinent policies are:

"H-01 - Policy

A basic human need is the availability of clean, warm shelter in good repair. To satisfy the needs of the present and future citizens of the Province of Ontario and to be consistent with the economic situation of these citizens, a board range of housing stock, including a variety of housing types, tenure, locations and densities should be available. Government housing programs should complement private sector activities to meet the housing needs not satisfied by the private sector.

H-02 - Range of Programs

The diversity of housing problems and environments across the country requires a diversity of responses, and consequently, proposals for a one-program solution for all markets are inappropriate. A co-ordinated package of programs would provide the flexibility of choosing the best solution for local needs.

H-03 - Municipal Role

Municipal governments should have the discretionary authority to be the prime delivery agents for renewal and public sector housing. Further, municipalities should review and revise their regulatory practices in the housing field to meet these changing needs.

H-04 - Social Housing

The advantage of social housing as affordable housing for low and moderate income households must be recognized and maintained. The provincial government must sustain the existing public housing stock and provide funding for the development and acquisition of additional public housing, particularly

in those municipalities without non-profit or other social housing development. Changes may be necessary to upgrade the existing social housing stock for adaption to a more suitable form. Funding and technical assistance must be provided to municipalities and private groups to facilitate the establishment of non-profit housing corporations and co-operative housing projects. In certain situations there is a place for a rent supplement program as well as a shelter allowance program. Such programs should be viewed as components of a package of programs.

All clients determined to be in need of housing assistance should be eligible for such assistance.

H-05 - Commitment

Frequent changes in policy and programs, including federal unilateral termination of some programs, have seriously hindered the production of both social housing and private market housing. The federal and provincial governments must be committed to longer term development plans with funding commitments for at least three to five years to allow continuity in housing programs and a consolidated effort in planning for future needs.

H-06 - Consultation

Federal/provincial/municipal consultation should be an ongoing process in the formulation and evaluation of housing policies, programs, guidelines and legislation."

In short, affordable housing is a provincial responsibility, the funding of which should not be foisted off onto the municipalities.

VI FRONT-END FINANCING

Legislation would be required to clarify a municipality's ability to levy, collect and refund charges of this nature. Such legislation could be introduced and integrated with any general lot levy legislation which would be permissive. Front-end financing arrangements would be confirmed for sewer, water and road services, as they currently exist. A key element would be the authority to demand payment from subsequent developers. The obligation to reimburse would still be conditional on receipt of the revenues.

Under a front-ending agreement, the municipality would either leave the particular capital work(s) in its levy calculations and agree to repeat the initial developer from subsequent lot levy collections or remove the capital work(s) from its lot levy calculation. In this case, the system-wide lot levy would be reduced and a benefitting area for the capital work(s) would be established. Additional charges would be collected from future development within that area and refunded to the initial developer.

In the light of this, a municipality would have the authority to define the lands which may benefit from the construction of the "front-end" capital facility. The municipality would calculate a unit charge to recover the appropriate share of the costs refundable to the initial developer. The agreement establishing the benefitting area and unit charge would also include a provision to adjust the unit charge over time, in

conjunction with the generally available construction cost index. This is consistent with the philosophy inherent in the lot levy framework and would ensure that the initial developer receives a fair refund. Front-end payments could be made in money or by the provision of services or facilities in lieu of money.

The municipality would be required to give notice of the front-ending agreement to allow owners within the benefitting area, explaining the nature and purpose of the agreement. The agreement would be available in the municipal office for viewing during normal business hours. Any owner except a party to the agreement, could object to the agreement by notifying the municipality in writing within an allotted period of time.

If no objection was received within the time, the agreement would be deemed to have come into force. If there were objections, the municipality would pass the objection to the Ontario Municipal Board, which would hold a hearing to decide the issue.

The municipality would place all monies received from the parties to an agreement in a special account, and would use the funds only for the purposes for which they were collected. Further, the municipality would provide annually to the parties of the front-ending agreement a statement indicating the payments that had been made to or from the account, the account balance and any further payments, if any, required from the parties pursuant to the agreement. If the municipality failed to collect the agreed-to amounts from subsequent developers, the front-ending developer would have the right to appeal to the OMB and the board could compel the municipality to reimburse the front-ending developer.

AMO agrees except:

- a. Front-end financing should not facilitate premature development nor encourage development of lands which are not designated nor zoned for such.
- b. Procedures respecting notification, appeal and the role of OMB should be the same as those for lot levy by-laws.
- c. The municipality should retain the primary responsibility for notification of all owners within the benefitting area. However the municipality must be provided with the legislated option of charging a reasonable administration fee for such service.
- d. The reference to the right of appeal if the municipality fails to collect is unclear. If the failure to collect is traceable to negligence by the municipality, recourse through the courts is already available to the developer. If the failure to collect is caused by the lack of development in the relevant area, surely this is a risk to be borne by the developer who agrees to the front-ending arrangement. No guarantee of recovery by the municipality should be provided.
- e. The AMO position, as expressed in Report 87-8, AMO Discussion Paper on Lot Levies and Front-End Financing, is:

"There is agreement that the legislation should replace the present "best efforts" concept with a firm commitment on the part of the municipality to repay funds to the initial developer when and if future development occurs. The legislation must be worded, however, in a way which implies no municipal

liability or indebtedness with respect to the funds to be subsequently collected.

If no growth occurs, no funds will be collected and the municipality has no liability or indebtedness to the initial developer. Only when growth occurs are the charges collectible and the municipal liability will be limited to collecting charges at the appropriate time, if growth does occur, and refunding the amounts so collected to the initial developer. The liability of the municipality would be clearly limited to being contingent upon the collection of future charges."

VII ACKNOWLEDGEMENTS

The Association's Preliminary Response to the Green Paper on "Financing Growth-related Capital Needs" was prepared by the AMO Lot Levy sub-committee and resourced by Mr. Sid Morehouse, Morehouse Economic Planning Consultants.

AMO expresses its appreciation to Mr. Morehouse for his expert assistance.

The Association also acknowledges the efforts of the sub-committee members:

- . Doris Brick, Councillor, County of Peterborough, Immediate Past President AMO
- . Jack Gartley, Commissioner of Finance, Regional Municipality of Durham
- . Grant Hopcraft, Alderman, City of London, First Vice President AMO
- . Bob Rooks, Director of Finance & Treasurer, City of Burlington
- . Joe Rinaldo, Commissioner of Finance & Treasurer, Regional Municipality of Halton

CA4 ONHBL AOS
CSIL2

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 March 15

NOTICE OF MEETING

Legislation Committee
Monday, 1989 March 20
9:30 o'clock a.m.
Room 233, City Hall

A large, stylized handwritten signature of John Thompson.

John Thompson, Secretary
Legislation Committee

JT:mjw

A G E N D A

- A. 9:30 o'clock a.m. Public Meeting re Transient Vendors.
1. Approval of the Minutes of the Meeting held 1989 March 06.
 2. 1989 CURRENT BUDGET ESTIMATES
 - (a) Account Details - Treasurer.
 - (b) Review of Budget Estimates for further reductions as directed by City Council at a special meeting held 1989 March 10.
 3. RECOMMENDATIONS OF THE TASK FORCE TO REVIEW THE MANDATE AND STRUCTURE OF THE HAMILTON HARBOUR COMMISSIONERS.

4. REQUESTS TO USE CITY HALL FACILITIES

- (a) Ontario Teachers' Federation - City Hall Forecourt for Rally
- (b) Mayor's Race Relations Committee - Council Chambers for
Proposed Police and
Visible Minority
Symposium
- (c) Canadian Society of Safety Engineering - Foyer Area for Display
Regarding Canadian
Occupational Health and
Safety Week
- (d) Croatian National Congress - Council Chambers
- (e) Interfaith Council for Refugees - Council Chambers

5. REQUESTS TO FLY FLAGS AT CITY HALL

- (a) St. John Ambulance - St. John Week in Hamilton
- (b) Slovak Community - 50th Anniversary of the
Proclamation of the Slovak Republic

6. REQUEST TO USE THE NAME "HAMILTON"

The Galaxy Contest Promotions for the Miss Swimwear Hamilton Pageant

7. MEMBERSHIP OF THE HAMILTON FARMERS' MARKET SUB-COMMITTEE
ALDERMAN D. AGOSTINO8. STREET VENDOR'S PERMIT

Grapes & Things Restaurant
103 King Street East, Mr. Paul Papas

9. RESOLUTIONS

- (a) City of Stoney Creek - Bill 178 - Minority Language Rights
- (b) Town of Iroquois Falls - Retrofit of Municipal Administration
Buildings to Accommodate Handicapped

10. MAYOR'S RACE RELATIONS COMMITTEE

Plaque Inscriptions (Information Only)

11. FCM

Annual Conference, Vancouver, 1989 June 09 to June 12 - Attendance

12. NEW BUSINESS

13. ADJOURNMENT

OUTSTANDING ITEMS

LEGISLATION COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
1. Review Civic Award Policy and Regulations	1988 December 05	Legislation Committee	Report to Follow
2. Public Review of New Second Level Lodging House By-law	1989 January 19	Legislation Committee	Public Meeting 1989 May 01
3. Policy for Special and Public Meetings	1989 January 23	Staff	Report to Follow
4. Policy for Use of Council Chambers	1989 January 23	Staff	Report to Follow
5. Police Report on Licencing Function	1989 January 23	Regional Police	Report Pending
6. General Public Review of Licencing By-law No. 79-323 Re Taxis and Livery Vehicles	1989 January 23	Ad Hoc Sub-Committee	Review Proceeding
7. Regionalization of Bingo Lottery Licences	1989 January 23	Licencing Committee	Report to Follow

Corporation of the City of Han
Memorandum

A.
9:30

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

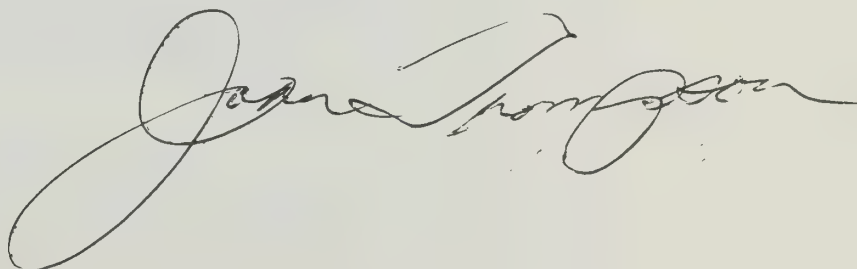
OUR FILE:
PHONE: 526-2729

SUBJECT: TRANSIENT VENDORS

DATE: 1989 March 15

Attached for the Committee's review is the staff report which deals with the impact of transient vendors on established businesses within the City. The report contains a number of recommendations which would have the effect of giving the City greater control over the regulation of those persons.

Also attached are copies of all correspondence related to this matter.



JT:mjw

Attachments

TRANSIENT TRADERS IN THE CITY OF HAMILTON

Schedule 22 of the City of Hamilton Licensing By-law 79-323 provides for the licensing, regulating, and governing of transient traders. As defined in the by-law, a "transient vendor" means a transient trader and every other person,

(1) whose name has not been entered on the Assessment Roll in respect of business assessment for the current year, and who offers goods, wares or merchandise for sale by auction, conducted by himself, or by a licensed auctioneer or otherwise, or who offers items for sale in any other manner; or

(2) who after the return of the Assessment Roll commences to carry on business in the premises of which he is liable for business assessment.

BACKGROUND HISTORY:

In 1974, the Regional Municipality of Hamilton-Wentworth Act was passed. It gave the City of Hamilton the authority to license Transient Traders. Section 160 of the Act gave the City the ability to pass any by-law that a Board of Commissioners of Police of a City is authorized to pass under the Municipal Act. (R.S.O. 1980, C.437, S.160) Under paragraphs 16 and 17 of section 232 of the Municipal Act, in cities having a population of 100,000 or more, a Board of Commissioners of Police has the authority to licence Transient Traders.

The City of Hamilton has been receiving complaints regarding transient traders since 1976. In the intervening years, the City has asked the responsible provincial Minister to change the Transient Traders provisions of the Municipal Act.

At the same time, the Transient Trader business has grown in both size and number. This business did not pay business tax within the community and the applicable licence fee of \$500.00 was not considered adequate for many of the large vendors. Local businessmen wanted the opportunity to compete on an equal basis with these traders.

As a result, Section 22 regulating Transient Traders was amended. On March 29, 1983, a new By-law, 83-104, was passed by the Corporation of the City of Hamilton. It repealed the existing Schedule 22 of Licence By-law 79-323 and provided new regulations for the licensing, regulating and governing of Transient Traders.

These new regulations include the following: (See Appendix A)

- (1) A description of the classes of the goods to be sold;
- (2) The manner, method or technique of offer for sale;
- (3) The date of commencing and closing of sale;
- (4) The location of where the sales take place;
- (5) The name and address of each person working;
- (6) Description and percentage of goods, wares or merchandise sold or unsold;
- (7) The licence fee: \$500.00 for one year

In 1984, By-law 84-244, Section 10, was passed to amend By-law 83-104 respecting Transient Traders. It changed the licence fee for Transient Traders to \$500.00 for a three-month period. (This licence covers the entire business operation which may consist of 20-30 locations).

RECOMMENDATIONS TO THE PROVINCE:

On October 26, 1983, the following was adopted by City Council:

4. That the Minister of Municipal Affairs and Housing be requested to amend the Municipal Act by adding the following provisions for the licensing and regulating of transient traders by municipalities:

- (a) To prohibit transient traders or classes of them and classes of goods.

or

- (b) To fix the terms and conditions under which transient traders or classes of them are permitted to operate.
- (c) To define classes of transient traders and goods.
- (d) To stipulate classes of transient traders that may operate in any municipality and classes of goods that may be sold.
- (e) To stipulate locations at which transient traders can operate and require a separate licence for each location to provide exemption for classes of goods and services.
- (f) To require transient traders to pay fees in such amounts of formulae as the municipality may determine, for licences for different classes of transient traders and different classes of goods and services.
- (g) To require transient traders or classes of them to be bonded.
- (h) To provide a maximum penalty of \$2,000.00 for every person, and for every director or officer of a corporation.
- (i) To provide a maximum penalty of \$25,000.00 where a corporation is convicted.

The Province has yet to amend the provisions of the Municipal Act that regulate Transient Traders.

THE CONCERNS OF LOCAL BUSINESSMEN

There are a number of concerns that local Hamilton businesses brought to our attention in the 1970s, which have persisted to this day:

- (1) By operating on Sunday, and holidays, the Transient Trader avoids competition and comparison of prices with local businesses.
- (2) The Transient Trader evades the responsibility for the products which they sell by not always being available to the consumer after the sale is made. In some cases, the customer has consulted the existing retail outlet seeking some form of redress or satisfaction.
- (3) The Transient Trader may use questionable business practices in advertising and ticketing.

Most Transient Traders operate from a permanent location such as the Convention Centre, The Holiday Inn, or a Mall, for the selling of such items as furs, oriental rugs, or paintings. However, the flower vendors are located at numerous locations throughout the City especially on specific holidays such as Mother's Day and Easter. Although some of the flower vendors may be located on private property, in many cases, certain municipal infractions are taking place. For example, the vendor may be set up on City/Regional streets or property and on Service Station lots. The City of Hamilton Streets By-law No. 9326, Section 16(11) prohibits any person from selling on any City street or road allowance. Section 210, Para. 150 (a) and (b) of the Municipal Act prohibits the sale of goods which are not essential to the operation of a Service Station. (See Appendix B)

TRANSIENT TRADER REGULATIONS IN OTHER MUNICIPALITIES

Metropolitan-Toronto has continued to have a problem with street vendors since the 1970's. These street vendors are required to have a vendor's licence which costs \$63.00 initially and \$55.00 on renewal. Since Metro-Toronto does not have private legislation and the Municipal Act has not been amended, the fee for a Transient Trader licence is presently \$500.00 for 5 years. The Transient Trader must also be located in a hotel, public hall or convention centre.

The City of Mississauga does not license Transient Traders. They insist that such vendors have a Pedlar's licence which costs \$25.00 a year. This enables the vendor to either locate in a hotel or go from door to door selling his goods.

The City of London will only issue a Transient Trader licence to an individual from outside London who is setting up a new business. The fee is \$500.00 which goes towards the business taxes until the business is on the Assessment Roll. For those who wish to sell from private property only, a Pedlar's licence is required at a cost of \$100.00 a year for a resident of London and \$500.00 per year for a non-resident.

The City of Ottawa requires a fee of \$500.00 for 3 months for a Transient Trader who must be carrying on the business at a specific location. The cost of the goods will determine if the transient trader requires this type of licence, for example, the sale of fur coats or carpets. Any new store which opens is required to take out this type of licence and a credit will go to the business tax. In contrast, an itinerant seller can move about from place to place or be located from a particular location. These are mostly street vendors who sell jewelry and flowers. They are regulated as to where they can sell, for example, they must be 9 meters away from the intersection in the downtown area and they are not permitted to sell in residential areas. The fee is \$200 a year if located on private property; \$325.00 a year if located on the street and \$325.00 a year if using a motor vehicle.

The City of Hamilton Transient Traders By-law has been described as progressive as compared to other municipalities.

TRANSIENT TRADERS IN THE CITY OF HAMILTON (1988)

The following is a list of Transient Traders licensed during 1988:

- National Art Enterprises: Has renewed his licence for the past 3 years
- Hertz Canada Limited: Licensed for the past 3 years
- Ronald Van Impe: Flowers: Licensed for at least 5 years
- Richard Urban: Flowers: Licensed for at least 5 years
- Leonard Alboini: Flowers: Licensed for at least 5 years
- International Computer Clearance Warehouse (Royal Connaught)
- Progressive Imports (1625 Upper James Street)

LETTERS OF COMPLAINT

In June 1988, the following businesses presented letters to the Licensing Committees and members of City Council expressing their concerns regarding Transient Traders operating in the City of Hamilton. (See Appendix C)

1. Fred Gregory Florist, 217 Ottawa Street North, Hamilton
2. Chedoke Flower & Gift, 945 Garth Street, Hamilton
3. Howard's Flower Shoppe, 84 Ottawa Street North, Hamilton
4. Wear's Flowers, 1814 King Street East, Hamilton
5. Ottawa Street Improvement Area, 366-1/2 Ottawa Street, North, Hamilton
6. Jean's Flower Shop, 509 Upper Wellington Street, Hamilton
7. Fur Council of Canada - Montreal, Quebec

These businesses have made the following recommendations:

1. That the Licence Fee of \$500.00 for 3 months is too low for the time period and should be adjusted.
2. That the Transient Trader should have the same responsibility as a permanent business operating in Hamilton.
3. That the Transient Trader should be restricted as to their location and that there should be equal taxation based on location.
4. That the Transient Trader should be held responsible for the goods they sell. In some cases the permanent business is blamed for the actions of a Transient Trader.

OTHER REGULATIONS:

The Canadian Charter of Rights and Freedom (Schedule B to the Constitution Act, 1981) Section 6 (2) states: Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right to

- (a) to move to and take up residence in any province; and
- (b) to pursue the gaining of a livelihood in an province.

Hamilton is bound by law to deal in good faith with any Ontario resident or any citizen who has the status of a permanent resident of Canada who is operating as a Transient Trader.

Also, the Retail Business Holidays Act permits Transient Traders to conduct their business on Sundays as they do not have a permanent retail business establishment.

RECOMMENDATIONS:

1. That a special meeting of the Legislation Committee be held at which both the local businesses and licensed Transient Traders would be invited to give input.
2. That any recommendations from this special meeting be forwarded to City Council and then to the Minister of Municipal Affairs.
3. That if the Province fails to amend the Municipal Act, it will be necessary for the City of Hamilton to draft private legislation to present to the Province to secure the authority to further regulate Transient Traders in the City of Hamilton.
4. That the Province consider amending the Retail Business Holidays Act to eliminate the apparent advantage Transient Traders have over established businesses in respect to Sunday operations.

WEAR'S FLOWERS

1814 KING ST. EAST • Tel. 544-4906

June 6, 1988

HAMILTON, ONTARIO L8K 1V7

Alderman David Christopherson
City of Hamilton
Main Street West
Hamilton, Ontario L8N 3T4

JUN 10 1988

Dear Alderman Christopherson:

In response to the copy of a letter you sent to Mr. William Hilbert of Rosedale Hardware regarding a street vendor at Rosedale Plaza, I would like to make the following comments.

I am well aware that operators are licensed by the City of Hamilton, however, that does not right the situation. These vendors move into Hamilton, primarily at Easter and Mother's Day, pay their \$500 fee and set up shops. This situation hurts all flower shops and garden centre businesses. The vendor's customers are then unable to justify our situation, - the cost of operating a year round business with staff salaries, taxes, maintenance, upkeep and on-going support to the customer. Their customer sees only the cost of cheap flowers without taking into consideration problems that may occur with their plant or flowers following that sale. It is not unusual for the vendor's customer to come into our shop and seek advice about their purchase and to ask us to "dress up their plant" and the procedure to maintain it. Where is the street vendor if there are other problems that develop after their purchase? They have disappeared! In short they give our industry a bad name.

I own a flower and garden centre business and have operated in this city for thirty-one years. Our taxes to the City of Hamilton now stand at approximately \$1,000 per month, and we are open all year long to serve the citizens of Hamilton. The vendors do not even live in our region.

If a tourist with a camper or motor home were to drive into Hamilton, they would not be allowed to park overnight in a plaza or parking lot. However, the invading vendor is allowed to park a trailer on site, put up a portable toilet, stay for six to eight weeks and take away business that is completely unjustifiable during our industry's peak periods.

On behalf of others in the industry, may I request time on City Council's agenda this fall to discuss our concern with you. I feel the problem is getting out of hand and hopefully a successful conclusion may be the result which follows further discussion of this matter with the Council.

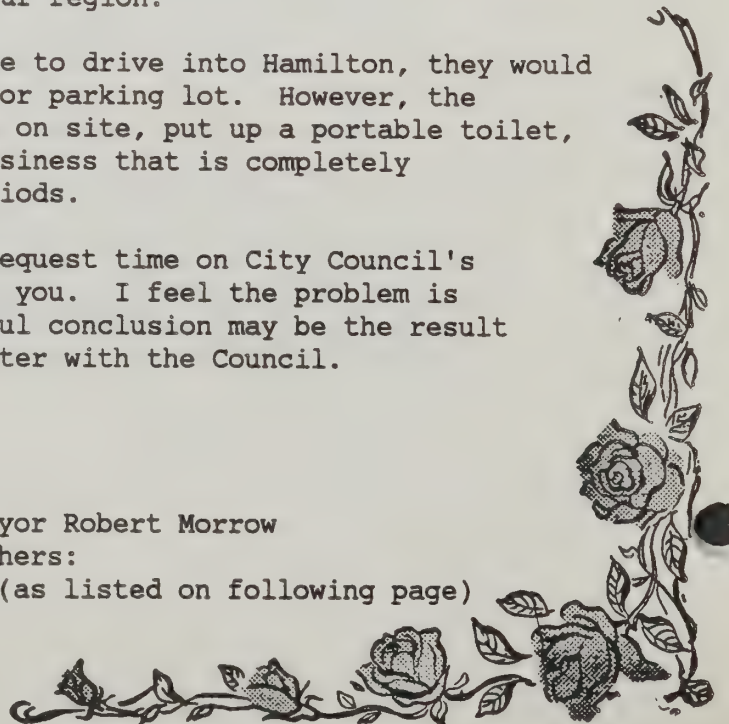
Thank you for this consideration.

Yours truly

Bill Wear

William Wear
President, Wear's Flowers
/d

Copy to: Mayor Robert Morrow
Others:
(as listed on following page)



"Flowers Wired Anywhere"

Howard's Flower Shoppe



545-3353

84 OTTAWA ST W HAMILTON, ONT. L8N 3Z1

Bouquets Curi Flowers & Plants

Distinctive Floral Designs

June 23, 1988

Mr. David Christopherson
Alderman, Ward 4
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Dear David:

I would like to take advantage of the initiative taken by Wear's Flowers in addressing the concerns we as fellow florist have regarding "street vendors" in the city of Hamilton.

It is my understanding that the city of Hamilton has seen fit to allocate as \$500.00 license to street vendors. This fee entitles the licensee to set up operations at just about any location in the city and doesn't limit the said amount of locations.

The issues here I believe are permanence and continuation. We at Howards Flower Shoppe are proud to be in Hamilton and have been here since 1946 - 42 yrs. As our existence is ensured by the continuance of City of Hamilton services we in turn pay our taxes, realty, business and B.I.A. We provide employment and in turn our employees pay taxes and send their earnings in Hamilton, thus as we say the wheel turns both ways.

I truly believe in a democratic society and free enterprise, and I also believe in fairness.

I would like to see the "street vendors" license be altered in such a manner that the licensees has the same responsibility as a permanent business operating in Hamilton.

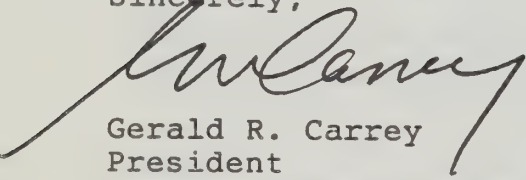
The street vendors should be responsible in generating an equal tax injection for each location he wishes to operate, he should also have to respect the hiring and compensation for local people and be accountable for his product and services.

. . . /2

I have no solution that will deal with this question with equity and fairness. I would suggest that the issue of street vendors be sent to the licensing committee for a revision and that a committee setup recommendations that will be both acceptable and fair to all involved.

I would like to take this opportunity to offer my help in seating with the licensing committee to express my feeling on the street vendor situation.

Sincerely,



Gerald R. Carrey
President
Howards Flower Shoppe

cc. Mayor Robert Morrow
Terry Cooke, Ward 1
Mary Kiss, Ward 1
Vince Argo, Ward 2
Bill McCulloch, Ward 2
Pat Valeriano, Ward 3
Brian Hinkley, Ward 3
Geraldine Copps, Ward 4
Reg Wheel, Ward 5
Dominic Augstino, Ward 5
John Smith, Ward 6
Paul Cowell, Ward 6
John Gallagher, Ward 7
Henry Merling, Ward 7
Tom Murray, Ward 8
Don Ross, Ward 8
Mr. Bill Wear
Hamilton & District Florist Association



EUROPE PRINTING SERVICE LTD.

1931 KING STREET EAST — HAMILTON, ONTARIO L8K 1V9

416 - 549-2342

July 14th, 1988

Hamilton, Ontario

Mr. David Christopherson,
Alderman, Ward 4,
City Council,
71 Main St.,
Hamilton, Ontario
L8N 3T4

Dear Mr. Christopherson:

Re: Street Flower Vendors and Owners of Flower Shops

I agree action should be taken against the street flower vendors, I support Bill Wear's concerns, as well as the concerns of other florists. If vendors wish to continue to survive how will that affect the owners of other flower shops in the Hamilton-Wentworth region and the consumer in general?

The street vendor's investment is inexpensive in comparison to the owners of flower shops. It is unfair competition! "True consumer benefits come from competition among many small business, not a few street vendors.

Yours truly,

Louise/Geza Gabric
Owners

JUL 06 1988

Mr. David Christopherson
Alderman, Ward 4
City Council
71 Main St.
Hamilton, Ontario
L8N-3T4

Dear Mr Christopherson:

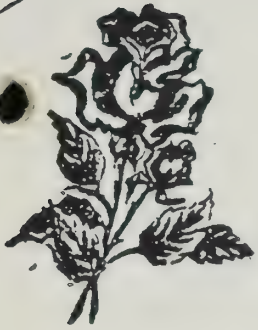
Re: Street Flower Vendors and Owners of Flower Shops

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The street vendor's investment is inexpensive in comparison to the owners of flower shops. It is unfair competition! "True consumer benefits come from competition among many small business, not a few street vendors.

Yours truly,

James J. [illegible]



AUG 11 1988

Jean's Flower Shop Inc.

509 UPPER WELLINGTON STREET
HAMILTON, ONTARIO L9A 3P6

TELEPHONE 383-2116



AUGUST 09 1988.

ALDERMAN MERLING
CITY OF HAMILTON
MAIN STREET WEST
HAMILTON ONTARIO L8N 3T4

DEAR ALDERMAN MERLING,

FURTHER TO OUR RECENT CONVERSATION REGARDING STREET VENDORS IN THE CITY OF HAMILTON, I WOULD LIKE TO ADD A FEW THINGS. AS YOU ARE AWARE OUR BUSINESS HAS BEEN OPERATING ON THE MOUNTAIN FOR ALMOST 30 YEARS AND HAS ALWAYS BEEN A STRONG SUPPORTER OF THE CITY OF HAMILTON. THE STREET VENDORS ARE GYPSIES WHO SLIP INTO THE CITY AT PRIME FLOWER DEMAND SEASONS, TAKE THE GRAVY AND SLIP OUT AGAIN. THEY CONTRIBUTE NOTHING TO THE WELL BEING OF THE CITY. THEY ERRECT HAND PAINTED SIGNS ATTACHED TO TELEPHONE POLES ETC., SELL POOR QUALITY PRODUCT AND IF THE CONSUMER AS A PROBLEM THE VENDORS ARE GONE BEFORE THEY CAN GO BACK TO COMPLAIN. WHY ARE THEY ALLOWED TO SET UP SHOP ON EMPTY LOTS, SERVICE STATIONS AND 7-11 STORES? I BELIEVE THAT IT IS TIME THE CITY TOOK SERIOUS ACTION TO PREVENT STREET VENDING AND REQUEST THAT I BE PERMITTED TO APPEAR BEFORE CITY COUNCIL ALONG WITH OTHER MEMBERS OF OUR INDUSTRY TO FUTHER DISCUSS OUR CONCERNS WITH YOU.

YOURS TRULY

WILLIAM DALTON.
JEAN'S FLOWER SHOP



Chedoke Flowers & Gifts

945 Garth Street, Hamilton, Ontario L9C 4L3
Tel. 387-5773 383-9396

June 23, 1988

Mr. Tom Murray
Alderman Ward 8
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Mr Murray:

At a meeting of the Hamilton and District Florist Association I was made aware of the "street vendor" situation in the City of Hamilton pertaining to the floral industry.

After hearing of the situation as expressed by my fellow florist, I would like to be counted as in favor of changing the "street vendor" licensing policy.

I find it discomfoting and upsetting, that the City of Hamilton licensing committee is issuing "street vendor's" permits at the set fee of \$500.00 which enables the licensee as many locations anywhere in the City. These "street vendors" descend on Hamilton at the most opportune of times, sell their wears and disappear within a matter of weeks.

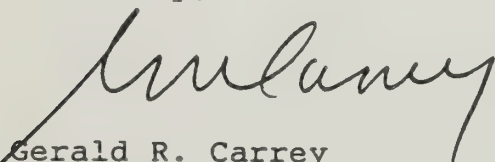
I am a business operator in the City of Hamilton not only do I pay taxes I must answer to my clientele, I also hire local people who in turn spend their earnings in the community and they in turn pay taxes.

. . . /2

. . . /2

I request that you entertain this matter with your fellow aldermen and ask that the licensing committee return this "street vendor" to a sub committee to study a fair solution to our problem. I would like to express my readiness in seating on this proposed sub committee as a florist and local businessman.

Sincerely,



Gerald R. Carrey
President
Chedoke Flowers & Gifts.

cc. Mayor Robert Morrow
Terry Cooke, Ward 1
Mary Kiss, Ward 1
Vince Argo, Ward 2
Bill McCulloch, Ward 2
Pat Valeriano, Ward 3
Brian Hinkley, Ward 3
Geraldine Copps, Ward 4
✓ David Christopherson, Ward 4
Reg Wheeler, Ward 5
Dominic Augstino, Ward 5

John Smith, Ward 6
Paul Cowell, Ward 6
John Gallagher, Ward 7
Henry Merling, Ward 7
Don Ross, Ward 8
Mr. Bill Wear
Hamilton & District Florist
Association

Fred Gregory  *Florist*

217 Ottawa Street North
Hamilton, Ontario
L8H 3Z4
Telephone: (416) 544-8428

June 20, 1988

Alderman Pat Valeriano
City of Hamilton
Main Street West,
Hamilton, Ontario L8N 3T4

Dear Alderman Valeriano

Re: Street Vendors.

I do want to take this opportunity and support my florists friends on bringing up the issue of street vendors.

In our immediate area alone, on Easter and Mother's Day weekends, we had at least 10 vendors selling flowers and plants at service stations or street corners parking lots. Main & Ottawa, King & Ottawa several on Queenston Rd. just to mention a few and not even touching the rest of the city.

Fred Gregory Florist has been operating on Ottawa Street since 1934. We have provided full time employment to our staff as well as a steady stream of business taxes to the City of Hamilton; not only 2 or 3 weekends a year.

We consider unfair practice to allow someone from out of town, to come in our city, and for a fee of \$500.00 a licence could have has many corners as they wish and further more they offer no follow up service or guarantee on their product performance.

We are well aware of performance problems from those vendor's products resulting in bad name for our industry.

Hoping that I count on your support in resolving this matter.

Yours Truly

Edith Desmarais

Monday, 1989 March 06
9:30 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present: Alderman V. J. Agro, Chairman
Alderman M. Kiss, Vice-Chairman
Mayor R. M. Morrow
Alderman D. Drury
Alderman G. Copps
Alderman T. Jackson
Alderman H. Merling

Absent with Regrets: Alderman F. Lombardo, Regional Business
Alderman D. Ross, Regional Business

Also present: Alderman B. Hinkley (Part of Meeting)
Alderman D. Agostino (Part of Meeting)
Alderman J. Smith (Part of Meeting)
Mr. L. Sage, Chief Administrative Officer
Mr. E. A. Simpson, City Clerk
Mr. S. J. Dembe, Manager, Licencing Division
Mr. P. Hooker, City Solicitor's Office
John Thompson, Secretary

1. MINUTES

The minutes of the last regular meeting held 1989 February 20 were received and adopted as circulated to the members.

2. TRANSIENT VENDORS' LICENCES

The Committee was in receipt of a memo from Alderman D. Christopherson dated 1989 February 27 advising that there has been a great deal of concern in the community with regard to this issue and many requests were received last year for a thorough review. As a result, the Legislation Committee at its meeting held 1988 July 18, requested the Licence Committee to hold a public meeting and report back.

However in light of the Legislation Committee's concerns, the Licencing Committee have contacted the individuals involved and advised them that they will not be conducting the public meeting and have returned the matter to the Legislation Committee for their attention and consideration.

The Committee also had before it a report which was prepared for the Licencing Committee dealing with the impact that transient vendors have on established businesses within the City. The report contains a number of recommendations which would have the effect of giving the City greater control over the regulation of these persons.

It was moved by Alderman Merling, seconded by Alderman Drury and carried that Mr. Dembe draft recommendations for the development of legislation to further regulate transient vendors in the City of Hamilton and that the proposed regulations stipulate locations at which transient traders can operate as well as require the submission of a site-specific plan for each location, and recommend enforcement procedures required to remove transient vendors from restricted locations such as road allowances.

Alderman Copps questioned the legality of transient vendors operating on Sundays and holidays.

Alderman Drury also expressed concern over the lack of control for consumer protection with respect to goods and services offered for sale.

Following consideration and discussion, the Committee agreed to hold public meeting on 1988 March 20 at 9:30 o'clock a.m. to receive public input regarding transient vendors and that a notice be placed in the newspaper for the public meeting.

Approval
of the
Minutes
of the
Meeting
1989 February 20

Transient
Vendors'
Licences

*Proposed
Second
Level
Lodging
House
By-law*

3. PROPOSED SECOND LEVEL LODGING HOUSE BY-LAW

The Committee had before it a copy of a letter from Dr. A. I. Cunningham, Medical Officer of Health dated 1989 February 27 advising that he will be out of town on 1989 March 20 and requesting that the Committee consider rescheduling the public meeting on this matter so that he and his staff can be present to assist the Committee in their deliberations.

The Committee agreed to hold the public meeting on the proposed, revised Second Level Lodging House By-law on Monday, 1989 May 01 at 9:30 o'clock a.m.

*Shanghai Ballet,
Civic Hospitality*

4. (a) SHANGHAI BALLET, CIVIC HOSPITALITY

As requested by Mayor R. M. Morrow in a memorandum dated 1989 February 24, the Committee agreed to submit the following recommendations to City Council for approval.

(1) That the City of Hamilton host a buffet luncheon at Hamilton Place at 1:00 o'clock p.m. on Tuesday, 1989 March 21 for the 60-member cast and crew of the Shanghai Ballet Company to welcome them to the City.

(11) That the cost of this buffet luncheon not to exceed \$950 and be charged to Account No. CH55314-84010, Special Receptions and Dignitaries Hosting.

*Delegation
to
China, Japan
and
Hong Kong*

(b) DELEGATION TO CHINA, JAPAN AND HONG KONG

The Committee was in receipt of a letter from Mayor R. M. Morrow dated 1989 March 02 advising that as a result of invitations from Mayor Makimoto of our twin City of Fukuyama Japan, and Mayor Zhou Yude of Ma' Anshan, China and the need for economic development and tourism promotion in Japan, he will be leading a delegation of fifteen (15) Hamilton community leaders to these countries from 1989 April 06 to 1989 April 22 and requested that an amount of \$6 0000 be provided to host the twin cities during their visit.

It was noted that all members of the delegation will be responsible for their own costs and expenses including the Mayor.

Alderman Smith submitted that City Council should have been solicited for input as to the selection of the persons accompanying the Mayor on the twin-city visit.

Alderman Drury suggested that the Mayor should have obtained the approval of the Committee for the trip in principle and then come back to the Committee with further details as to costs.

Alderman Marling submitted that delegations for the promotion of the City of Hamilton should be sanctioned by the appropriate Committee and City Council.

In commenting on the timing of his report, Mayor Morrow advised that it has been a complicated, time consuming and difficult procedure and process to bring all the details together for this trip.

Alderman Kiss moved that an amount of \$3 000 be provided for hosting of the twin cities. No seconder was obtained for Alderman Kiss' motion.

Following discussion, it was moved by Alderman Merling, seconded by Alderman Drury and carried that the City of Hamilton provide \$6 000 for hosting the twin cities.

Alderman Kiss was recorded as opposed.

Alderman Drury advised that he will undertake to arrange to have the minutes of the Hamilton Mundialization Committee distributed to the members of the Legislation Committee as a source of information on proposed trips of this nature in the future.

5. DAYLIGHT SAVING TIME

As outlined in a report of the City Clerk dated 1989 February 28, the Committee agreed to submit the following recommendation to City Council for approval.

That the Mayor be authorized to issue a proclamation proclaiming Daylight Saving Time in the City of Hamilton from 2:00 o'clock a.m., Sunday, 1989 April 02 to 2:00 o'clock a.m., Sunday, 1989 October 29.

*Daylight
Saving
Time*

6. CONSENT TO USE THE NAME "HAMILTON"

As outlined in a report of the City Clerk dated 1989 February 28, the Committee agreed to submit the following recommendation to City Council for approval.

That approval be given to the request of the Sons of Italy of Ontario, Trieste Lodge to include the name "Hamilton" in the following corporations.

- (a) Sons of Italy (Hamilton) Housing Corporation
- (b) Sons of Italy (Hamilton) Charitable Corporation

*Consent
to use the
name
"Hamilton"*

7. GREEK FLAG

As outlined in a report of the Secretary dated 1989 February 28, the Committee agreed to submit the following recommendation to City Council for approval.

That the request of AHEPA Family (American Hellenic Education Progressive Association) Hamilton, for permission to fly the Greek Flag at City Hall during their Convention Week from 1989 May 15 to 1989 May 21, be approved.

Greek Flag

8. CROATIAN FLAG

As outlined in a report of the Secretary dated 1989 February 28, the Committee agreed to submit the following recommendation to City Council for approval.

That the request of the United Croats of Canada, Hamilton Branch to display the Croatian Flag at City Hall on 1989 April 10 in recognition of Croatian Independence Day, be approved.

Croatian Flag

9. KIDNEY FOUNDATION OF CANADA, HAMILTON AND DISTRICT CHAPTER

As outlined in a report of the Secretary dated 1989 February 28, the Committee agreed to submit the following recommendations to City Council for approval.

- (a) That permission be granted to the Kidney Foundation of Canada, Hamilton and District Chapter to

*Kidney
Foundation
of
Canada
Hamilton
and
District
Chapter*

- (1) use the City Hall forecourt on Tuesday, 1989 April 25 at 11:00 a.m. for a balloon release ceremony in recognition and celebration of Organ Donor Awareness Week
- (11) display posters from local schools in the foyer area of City Hall for a period of 2 weeks commencing 1989 April 24 promoting and emphasizing the importance of the Organ Donor Awareness Program
- (b) That a light reception in the form of coffee, tea and cookies be provided to approximately 40 people following the balloon launch release ceremony and that this expense be charged to Account No. CH55313-84010, Receptions - City Hall.

*Hamilton
Minor Hockey Council*

10. HAMILTON MINOR HOCKEY COUNCIL

As outlined in a report of the Secretary dated 1989 March 02, the Committee agreed to submit the following recommendation to City Council for approval.

That the request of the Director of Culture and Recreation for the use of the Council Chambers by the Hamilton Minor Hockey Council for the purpose of conducting their Annual Meetings, be approved.

Note: This year their annual meeting will be held on 1989 May 03 at 7:30 o'clock p.m.

*Resolutions -
City of Waterloo
City of Windsor
Township of Kingston*

11. RESOLUTIONS, CITY OF WATERLOO, CITY OF WINDSOR, TOWNSHIP OF KINGSTON

As outlined in a report of the City Clerk dated 1989 March 01, the Committee agreed to submit the following recommendations to City Council for approval.

That the following resolutions from the Cities of Waterloo, Windsor and the Township of Kingston objecting to the freezing of unconditional grants at the same level as 1988, be endorsed.

(a) City of Waterloo

"WHEREAS the Ministry of Municipal Affairs provides Unconditional Grants to municipalities consisting of per household grants, resource equalization grants and support grants;

AND WHEREAS The Honourable John Eskins, Minister of Municipal Affairs, announced on 1988 December 12 that each municipality will receive in 1989 the same amount it received in 1988 for Unconditional Grants;

AND WHEREAS municipalities may have to raise additional property taxes to compensate for the lack of Provincial funding with respect to Unconditional Grants;

AND WHEREAS the Association of Municipalities of Ontario made several recommendations with respect to Unconditional Grants under AMO Report 88-7 Unconditional Grants Proposal for 1989 dated August, 1988.

BE IT THEREFORE RESOLVED that the Provincial Government reconsider the funding provided to municipalities in 1989 under the Unconditional Grants program;

AND FURTHER that a copy of this resolution be forwarded to the Treasurer of Ontario, the Minister of Municipal Affairs, municipalities with a population greater than 50 000, the Association of Municipalities of Ontario, the Association of Municipal Clerks and Treasurers of Ontario and the Urban Finance Officers' Association of Ontario."

(b) City of Windsor

"That the Minister of Municipal Affairs BE ADVISED that the Council of the City of Windsor strongly objects to the freezing of the Unconditional Grants to the same level as 1988, since the Province has not taken into consideration the additional taxes levied by the Province which increase costs to municipalities, and also that the City objects to the Province allocating grants to meet their own priorities, thereby reducing the local municipality's ability to set its own goals and objectives; and further, that this report and resolution BE SENT to the Association of Municipalities of Ontario, municipalities in excess of 100 000 population and local members of the Legislative Assembly requesting their endorsement and support."

*Resolution -
City
of
Windsor*

(c) Township of Kingston

"WHEREAS the Treasurer of Ontario has announced that unconditional transfer payments to local municipalities, for the year 1989 will be frozen to 1988 dollar amounts.

AND WHEREAS such transfer payments do not reflect either inflationary factors or growth in municipal populations and households.

AND WHEREAS it has always been a provincial policy to encourage growth and to provide ever increasing housing availability within a municipality.

AND WHEREAS the freezing of transfer payments based on households and populations has severely penalized those municipalities that have strived to increase housing stocks.

AND FURTHER such a freeze has created an inequality between municipalities by transferring a higher per household grant to those municipalities with either no increase or even a decrease in households than to those with a population growth.

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Township of Kingston petitions the Premier of Ontario to restore, at once, equal per household grants for 1989 unconditional transfer payments, including a reasonable percentage increase for inflation.

AND FURTHER this resolution be forwarded to the Treasurer of Ontario, the Minister of Municipal Affairs, Mr. Larry South, M.P.P. Frontenac/Addington, the Leaders of the Opposition Parties, the Association of Municipalities of Ontario and to all other municipalities with a population in excess of 10 000 requesting their support of this resolution."

*Resolution -
Township
of
Kingston*

12. RESOLUTION - CITY OF WINDSOR - ONTARIO ARTS COUNCIL

The Committee agreed to recommend to City Council that the following resolution from the City of Windsor dealing with the five-year strategic plan of the Ontario Arts Council, be endorsed.

"That the request of the Ontario Arts Council for support of its Five Year Strategic Plan entitled 'Moving Forward - A Five Year Strategic Plan prepared by the Ontario Arts - March 1988' and the request for increased Provincial funding to implement the plan BE APPROVED and further that the Premier of Ontario and the Minister of Culture and Communications BE ADVISED of Council's support of the Plan and the request for increased funding, and further that a copy of this resolution BE FORWARDED to local members of the Legislative Assembly, Members of Parliament and the Ontario Arts Council."

*Resolution -
City of Windsor -
Ontario
Arts
Council*

*A.M.O. -
Large
Urban
Section
Meeting*

13. A.M.O. - LARGE URBAN SECTION MEETING

The Committee agreed to submit the following recommendation to City Council for approval.

That the Chairman or his delegate be authorized to attend the Eighth Annual Meeting of the Large Urban Section of the Association of Municipalities of Ontario to be held in the City of Sarnia 1989 April 26 to 1989 April 28.

*A.M.O. -
Special
Membership
Meeting*

14. A.M.O. - SPECIAL MEMBERSHIP MEETING

The Committee agreed to submit the following recommendation to City Council for approval.

That any Member of City Council wishing to do so be authorized to attend a special meeting of the Membership of the Association of Municipalities of Ontario to be held in the City of Toronto at the Holiday Inn behind Toronto City Hall on Thursday, 1989 March 30 from 1:30 o'clock p.m. to 4:30 o'clock p.m. to discuss the recent actions of the Provincial Government regarding municipal funding and to assist AMO in developing a strategy for resisting these tax shifts.

Note: Registration forms are available from the Secretary and must be returned to the AMO offices NO LATER THAN Friday 1989 March 24.

Adjournment

The meeting then adjourned.

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1989 March 06

Typed by M. J. Walton

FOR ACTION

2(a)

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. E. C. Matthews
Treasurer

DATE: 1989 March 1
COMM FILE:
DEPT FILE:

SUBJECT: ACCOUNT DETAILS -- 1989 ESTIMATES

RECOMMENDATION:

- (a) That the "Legislative - Motor Vehicle Operation" function estimates for 1989 be corrected resulting in a decrease of \$15,760 to the 1989 estimates.
- (b) That no adjustment be made to the 1989 estimates for "Administration-Benefits" in the Clerk's budget.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

1989 Estimates will be reduced by a further \$15,760.

BACKGROUND:

The Legislation Committee at their meeting of February 6, 1989, requested information on two accounts which the Treasurer is able to provide:

- 1.) Legislative -- Motor Vehicle Operation - The Committee requested further details including the various activities within the account -- see attached Schedule. As a result of review, \$15,760 will be deducted from the 1989 Legislative Estimates.
- 2.) City Clerk's "Administration" -- Benefits - The Committee requested further details due to the reduction of \$10,450 showing in the "Adjustment" column in the worksheets. During 1988 the employee benefits estimates were reallocated from being in one spot under "Administration", to each of the activities within the Clerk's budget. This allocation was done on a prorated basis and, although the total benefit estimates were correct for 1988, the allocation to each section were somewhat arbitrary. To put the total Clerk's benefits into perspective however, the "actual" for 1988 was \$275,387 while the "estimates" was \$278,030 a difference of \$2,643 or less than 1%. The 1989 estimates for benefits have been verified and therefore no adjustment is necessary.

Att'd

City of Hamilton

Treasury

Analysis of LEGISLATIVE CAR POOL Account 0321-04

This account contains the expenses related to TWO cars used by the Mayor and Aldermen, plus the salaries, benefits and overtime costs of TWO drivers. The delivery of agendas and other material to the Council members on almost a daily basis also forms part of these costs.

DESCRIPTION	1988	ESTIMATE		CHANGE FROM 1988	
	ACTUAL	1988	1989	\$	%
Salaries and overtime	101102		105,700		
Benefits	10872		11,070		
Meal Allowances	721		750		
Operating Supplies	75		100		
Gas	3013		3,250		
Oil & Lubricants	84		100		
Clothing Allowance	687		720		
Repairs & Maintenance	3371		3,000		
Insurance	1703		1,930		
Depreciation	10659		14,170		
Major Repairs	1066		1,420		
Parking Charges	232		250		
Car Phone	2317		5,360		
Rental-Other vehicles	334		500		
Tires			1,000		
Washing Charges			200		
Storage			240		
	136236	159000	149,760	-9240	-5.8%

PROPOSED REDUCTION TO 1989 ESTIMATES:

Preliminary Legislative Car Pool Estimate	165,520
Revised Estimate as above	149,760
Proposed Reduction	15,760

NOTE: Previous years' estimates included a 28% overhead factor on the salaries & benefits of the drivers to cover employee benefits. In 1989 this has been corrected to reflect only the actual benefits costs charged against this function, thus there will be a reduction to the original estimates proposed.

Corporation of the City of Hamilton
Memorandum

TO: E. C. Matthews
Treasurer

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:
PHONE: 526-2729

SUBJECT: 1989 BUDGET DELIBERATIONS

DATE: 1989 February 13

This memorandum will confirm that the Legislation Committee at its budget meeting held 1989 February 06, in reviewing the 1989 Expenditure Estimates for the City Clerk's Department which were submitted in two packages (Legislative and City Clerk's) approved the following reductions, adjustments and directives:

0321 LEGISLATIVE

COMMITTEE
ADJUSTMENT

01 Mayor's Office

01 Salaries and Wages
The Committee directed that further details be provided for this account including the provisions for the renegotiated contract of the Mayor's Executive Assistant.

11	Telephones	\$	-	200
16	Postage		-	200
21	Office Supplies and Stationery		-	800
29	Picture Frames and Camera Supplies		-	300
31	Repairs and Maintenance - Equipment		-	50
46	Mementos		-	5 000
81	Rental - Car Pool		-	50
92	Car Allowance		-	70
94	Training Courses		-	220

0321 LEGISLATIVE

COMMITTEE
ADJUSTMENT

04 Motor Vehicle Operation

- 81 Rental - Car Pool
The Committee directed that further details
be provided for this account including more
detail on the various activities within
the account.

05 City Hall Annual Open House

- 60 Services and Supplies \$ - 2 000

06 City of Hamilton Memberships

- 93 Memberships and Subscriptions (A.M.O.)
The Committee directed that this account
be set aside pending a decision by the
Legislation Committee regarding the
payment of the 1989 Membership fee

0322 CITY CLERK'S DEPARTMENT

01 Administration

- 03 Employee Benefits
The Committee requested more detail
on this account having regard to the
considerable adjustment made to the
1988 estimates.

- 60 Certificates of Recognition \$ - 1 000
91 Travelling \$ - 1 500

02 Licence Division

- 01 Salaries and Wages
(01) 2 Stenographers II (May 1) \$ - 11 800
(03) Inspector (May 1) \$ - 18 060
03 Employee Benefits \$ - 3 190
72 Automotive Equipment \$ - 11 000
73 Radio Equipment \$ - 2 000
81 Rental - Car Pool \$ - 4 470
91 Travelling \$ - 2 000
94 Training Courses \$ - 350

0322 CITY CLERK'S DEPARTMENT

03 Election

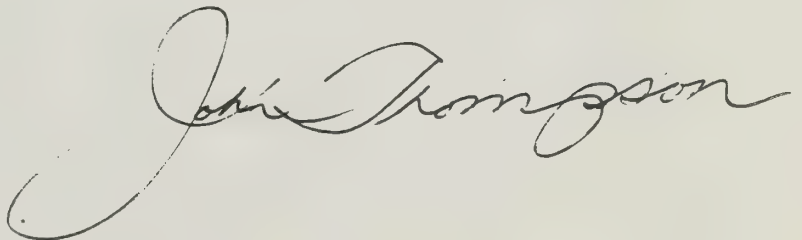
01	Salaries & Wages - Budget for Six (6) Months Only	
91	Travelling	\$ - 10 600

05 Service Section - Mail and Printing

71	Office Equipment	
(01)	Envelope Feeder	\$ - 5 300
	Interface Kits	\$ - 1 895
(03)	Postage Allocator	\$ - 4 900

0373 Receptions and Grants
-Other Committees

10	Legislation Committee	
01	Civic Pins, Medals and Rings	\$ - 7 000
03	Special Civic Receptions and Delegation Hosting	\$ - 5 000



JT/bc

c.c. Chairman & Members, Legislation Committee
Mr. K. E. Avery, Deputy City Clerk
Mr. S. Hollowell, Manager, Records Division
Mr. S. Dembe, Manager, Licence Division
Mr. I. R. Hammel, Manager of Budgets, Treasury Department
Mr. K. Beattie, Budget Analyst, Treasury Department

FOR INFORMATION

216

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. E. C. Matthews
Treasurer

DATE: 1989 March 15
COMM FILE:
DEPT FILE:

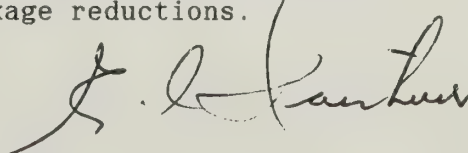
SUBJECT: 1989 CURRENT BUDGET ESTIMATES AND RANKED PACKAGES

BACKGROUND:

At the City Council meeting of March 10, 1989, Council referred the ranked packages to the Standing Committee for its further consideration. Attached is Exhibit "A" which summarizes the reviewed expenditure estimates for the Legislation Committee. The \$106,640 Committee adjustment has lowered the expenditure increase to 7.1% of the 1988 estimate. Included in this 7.1% are the ranked packages which have been summarized on Exhibit "B".

Although no direction was provided by Council relative to a targeted mill rate increase, it was clear that the current 10.3% mill rate increase is not acceptable. There was an indication that a 9.5% level might be realistic. With this in mind, I am recommending a 9.4% mill rate increase which would be achieved by not funding those packages ranked between 91 to 151 of the global ranked packages which were presented to Council at the March 10, 1989 meeting. The 9.4% funding line is indicated on Exhibit "B" which will result in a further \$14,060 reduction to the expenditures. If accepted, the Committee expenditure increase would be 6.7%. This process has the concurrence of the Management Team and specifically the Department Head who report to this Committee.

One final point on this procedure; this is being presented to all Standing Committees in the same fashion. The understanding is that all Committees must agree to this process in order to proceed to the Committee of the Whole Meeting scheduled for March 23, 1989 at 11:00 a.m. If one Committee alters this process, then we are forced to establish a new procedure to finalize the 1989 Current Estimates and those Committees that had agreed to this process would be free of their respective package reductions.



Att'd

EXHIBIT A

SUMMARY OF 1989 EXPENDITURE ESTIMATES OF THOSE BUDGETS TO BE REVIEWED BY THE LEGISLATION COMMITTEE

Description (1)	1988 Projected Actual (2)	1988 Estimate (3)	Adjustment to 1988 Estimate (Increase) (Decrease) (4)	Inflationary Cost (5)	Expansion Service Level (6)	1989 Original Estimate (3+4+5+6) (7)	Council/ Committee Adjustment Increase (Decrease) (8)	1989 Resultant Appropriation (7+8) (9)	Amount (9-3) (10)	Percent (10/3) (11)	Increase (Decrease) Over 1988 Estimate
LEGISLATIVE	1,118,070	1,131,820	49,560	42,500	6,460	1,230,140	(23,070)	1,207,070	75,450	6.1%	
CITY CLERK	2,368,590	2,441,880	42,000	81,880	137,130	2,702,890	(71,570)	2,631,320	189,440	7.8%	
SUBTOTAL	3,486,660	3,573,500	91,560	124,380	143,590	3,933,030	(94,640)	3,838,390	264,890	7.4%	
FILM ADVISORY COMMITTEE		7,500				7,500		7,500	0	0.0%	
MUNDIALIZATION COMMITTEE	3,820	3,820	1,190			5,010		5,010	1,190	31.2%	
STATUS OF WOMEN	6,100	9,720	1,550	480		11,750		11,750	2,030	20.9%	
CIVIC AWARDS, RECEPTIONS, DELEGATION HOSTINGS	37,000	49,250	1,000			50,250	(12,000)	38,250	(11,000)	-22.3%	
TOTAL LEGISLATION COMMITTEE	3,533,580	3,643,790	95,300	124,860	143,590	4,007,540	(106,640)	3,900,900	257,110	7.1%	

City of Hamilton
Treasury

CONSOLIDATED LISTING OF FUNDED SERVICE/PROGRAM PACKAGES AFTER REVIEW AND ADJUSTMENTS

Package Number	Package Rank	Department/ Local Board	Package Description	Original Amount	Committee Adjustments	Resultant Amount
(1)	(2)	(3)	(4)	(5)	(6)	(7)
LEGISLATION COMMITTEE						
CLERK-01A	23	CITY CLERKS	Stenographer and Clerk - Licensing Section	83,070	(50,870)	32,200
LEGIS-01	27	CITY CLERKS	Purchase/Servicing of One Photocopier	3,000		3,000
CLERK-07	38	CITY CLERKS	Telephone, Fax Machine Rental	2,000		2,000
CLERK-04A	42	CITY CLERKS	Electronic Scale & Envelope Folder/Insertar	28,460	(10,200)	18,260
CLERK-02	63	CITY CLERKS	Automobile - for "No Smoking" By-Law Inspector	11,000		11,000
LEGIS-03	74	CITY CLERKS	Furnishings for Aldermen's Offices - Various	2,000		2,000
CLERK-03	117	CITY CLERKS	Repairs - Farmers Market; Toilet Cubicle	8,000		8,000
CLERK-06	130	CITY CLERKS	Paper Supply Room - Installation of Double Doors	2,100		2,100
CLERK-05	136	CITY CLERKS	Farmers Market Office - Drapes & Carpet	2,500		2,500
LEGIS-02	142	CITY CLERKS	Spectator Subscriptions for Aldermen (8 Additional)	960		960
LEGIS-04	144	CITY CLERKS	Picture Frames for Aldermen's Offices	500		500
				143,590	(61,070)	82,520

9,141/16
PAGE 3

14,060

CITY OF HAMILTON

(23)

CLERK-01A

FORM 6
REV. 08/881989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) Various Licence Section Accounts
3. CONSIDERATIONS: (A) AMOUNT \$83,070
- (B) EFFECTIVE DATE May 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE
- Note: After Committee reductions,
The remainder of this package
contains One Stenographer
and One Licence Clerk
at total of \$32,200*

4. PACKAGE DESCRIPTION

Salary and benefits for additional staff (two stenographers, one licence clerk and one inspector), one automobile, radio, rental car pool charges and training course pertaining to the additional staff required to properly administer the expanded licencing responsibilities delegated to the City Clerk's Department by City Council.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The processing of licences and procedures respecting the administration and enforcement of licencing by-laws would be seriously impeded which could result in legal action being taken against the City for non-enforcement of its by-laws. Persons wishing to start new businesses would be unreasonably delayed in obtaining their licence. Serious errors could occur in the issuing or non-issuing of licences which could result in further legal action being taken.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 1 OF 67

CITY OF HAMILTON

(27)

LEGIS-01

FORM 6
REV. 08/881989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD (CITY CLERKS) LEGISLATIVE
2. ACCOUNT NO.(S) 0321-0371 and 0383
3. CONSIDERATIONS: (A) AMOUNT \$3 000
(B) EFFECTIVE DATE January 1, 1989
(C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
(D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Purchase and servicing of one photocopier.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The photocopier is already in use in the Aldermen's Offices and has been for some time. It must be purchased or returned to the supplier.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

Yes. The City Clerk's Department budget would have to be increased to provide for increased use of their photocopier by the Aldermanic Staff.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

City Clerk's Department photocopier.

8. PACKAGE RANKING BY - DEPT./BOARD: 1 OF 4
- COMMITTEE : OF

CITY OF HAMILTON

(38)

CLERK-07

FORM 6

REV. 08/88

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0111, 0121, 0183
3. CONSIDERATIONS: (A) AMOUNT \$2 000
- (B) EFFECTIVE DATE APRIL 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Telephone, supplies and rental charges for one Fax machine.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

City Clerk's, Mayor's Office, Alderman's Offices and CAO's Office staff will have to continue to use the Fax machine in the Purchasing Department on the 4th Floor, which is over utilized.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

See #5 above.

8. PACKAGE RANKING BY - DEPT./BOARD: 7 OF 7
- COMMITTEE : OF

CITY OF HAMILTON

1989 CURRENT BUDGET ESTIMATES

42

CLERK-04A

FORM 6
REV. 08/88SERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0571
3. CONSIDERATIONS: (A) AMOUNT \$28,460
(B) EFFECTIVE DATE
(C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
(D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE
- Note: The Committee deleted
The Postage Allocator and the
Envelope Feeder leaving a balance
in this package of \$18,260*

4. PACKAGE DESCRIPTION

\$3,220 \$4,900 \$15,040 \$5,300
Purchase of Electronic Scale, Postage Allocator, Envelope Inserter and Envelope Feeder for the Service Section.

Use of this equipment would improve the level of service and result in a reduction in postage charges and the cost of printing envelopes for all civic departments which are currently printed by the private sector.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?

(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

Service level would not be improved, resulting in costly printing work being sent to private sector printers, the large number of zoning circulations would continue to be manually processed. Postal charges would not be reduced and manual processing of departmental postage accounts would continue.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

Yes. All departments would benefit from purchase of this equipment both in terms of cost savings and more effective use of staff resources.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 4 OF 6/7

- COMMITTEE : OF

CITY OF HAMILTON

1989 CURRENT BUDGET ESTIMATES

(63)

CLERK-02

FORM 6

REV. 08/88

SERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0872
3. CONSIDERATIONS: (A) AMOUNT \$11,000
- (B) EFFECTIVE DATE
- (C) INCLUDED X OR NOT INCLUDED _____ IN ESTIMATES
- (D) AFFECTS CURRENT _____ AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Automotive Equipment

Purchase of one automobile.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The City Garage can no longer provide a rental vehicle for the use of the No-Smoking By-law Inspector due to a shortage of vehicles for rent. Without the use of a car the duties of the no-smoking inspector would have to be severely curtailed.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

The City Garage would have to be directed by the appropriate authority to make a car available.

8. PACKAGE RANKING BY - DEPT./BOARD: 2 OF 6/7
- COMMITTEE : _____ OF _____

CITY OF HAMILTON

(74)

LEGIS-03

FORM 6

REV. 08/88

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD (CITY CLERKS) LEGISLATIVE
2. ACCOUNT NO.(S) 0321-0374
3. CONSIDERATIONS:
- (A) AMOUNT \$2 000
- (B) EFFECTIVE DATE April 1, 1989
- (C) INCLUDED X OR NOT INCLUDED _____ IN ESTIMATES
- (D) AFFECTS CURRENT _____ AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Office furnishings - To provide for the purchase of various office furnishings (ie: bookcases, shelves, chairs, lamps, etc.) for the Aldermen's Offices during 1989.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The Aldermen will be unable to order any furnishings for their offices in 1989.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 3 OF 4

- COMMITTEE : _____ OF _____

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0733
3. CONSIDERATIONS: (A) AMOUNT \$8,000
(B) EFFECTIVE DATE
(C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
(D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Repairs and Maintenance - Buildings - Farmers Market.

Additional Toilet Cubicle.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

Market patrons will continue to use the urinals and sinks for the purpose for which the additional toilet is required.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 3 OF 67
- COMMITTEE : OF

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0560
3. CONSIDERATIONS: (A) AMOUNT \$2,100
- (B) EFFECTIVE DATE
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Alterations - Paper Supply Room, Service Section

Install double doors to paper supply room to enable paper skids to be stored as recieved without unloading.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

Paper skids which are too wide to fit through the current door would have to continue to be manually unloaded in the hall, transferred to a dolly and reloaded on the skids inside the paper supply room. This wastes valuable staff time which could be better utilized.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 6 OF 67
- COMMITTEE : OF

1989 CURRENT BUDGET ESTIMATESSERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD CITY CLERKS
2. ACCOUNT NO.(S) 0322-0774
3. CONSIDERATIONS: (A) AMOUNT \$2,500
- (B) EFFECTIVE DATE
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Furnishings - Farmers Market Office

Purchase and installation of new drapes and carpet.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The Market Office carpet deteriorated so badly that it has already been removed and the drapes are rotting and will have to be removed shortly.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 5 OF 6/7
- COMMITTEE : OF

CITY OF HAMILTON

1989 CURRENT BUDGET ESTIMATES

LEGIS-02

FORM 6
REV. 08/88

SERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD (CITY CLERKS) LEGISLATIVE
2. ACCOUNT NO.(S) 0321-0293
3. CONSIDERATIONS: (A) AMOUNT \$960
- (B) EFFECTIVE DATE April 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Eight additional Spectator subscriptions for the Aldermen.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The sixteen Aldermen will have to continue to share the current eight Spectator subscriptions.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 2 OF 4
- COMMITTEE : OF

CITY OF HAMILTON

1989 CURRENT BUDGET ESTIMATES

LEGIS-04

FORM 6

REV. 08/88

SERVICE/PROGRAM PACKAGE FOR COMMITTEE REVIEW

1. DEPT./LOCAL BOARD (CITY CLERKS) LEGISLATIVE
2. ACCOUNT NO.(S) 0321-0329
3. CONSIDERATIONS: (A) AMOUNT \$500
- (B) EFFECTIVE DATE April 1, 1989
- (C) INCLUDED X OR NOT INCLUDED IN ESTIMATES
- (D) AFFECTS CURRENT AND/OR EXPANSION X LEVEL OF SERVICE

4. PACKAGE DESCRIPTION

Picture Frames - To provide for framing of various pictures for the Aldermen in 1989.

5. WHAT ARE THE CONSEQUENCES OF NOT FUNDING THIS PACKAGE?
(IF NOT INCLUDED IN ESTIMATES, EXPLAIN BENEFITS IF THIS PACKAGE IS FUNDED)

The Aldermen will be unable to have any pictures framed.

6. DOES THIS PACKAGE AFFECT OTHER DEPTS./BOARDS? IF SO, HOW?

No.

7. ARE THERE ALTERNATIVE METHODS OF PROVIDING OR ACHIEVING THE SERVICE AS
DESCRIBED ABOVE. IF SO, HOW?

No.

8. PACKAGE RANKING BY - DEPT./BOARD: 4 OF 4
- COMMITTEE : OF

FOR ACTION

3.

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

FROM: Mr. Lou Sage
Chief Administrative Officer

DATE: 1989 March 10
COMM FILE:
DEPT FILE: 831-0001.3

SUBJECT: Task Force to Review the Mandate and Structure of
the Hamilton Harbour Commissioners

RECOMMENDATION:

- 4.2 (a) That City Council petition the Federal and Provincial Government to study the matter of boating safety and the operators' knowledge and ability to perform safely in and through Ontario's waterways by instituting a system of testing and licencing operators of vessels over 10 H.P.
- (b) That the Federation of Canadian Municipalities and the Association of Municipalities of Ontario be notified of this petitioning.
- 4.3 (a) That adherence to Section 20, Sub-section 2 of the Hamilton Harbour Commissioners' Act which reads:
- "No By-law shall have force or effect until confirmed by the Governor in Council and published in The Canada Gazette, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the City Clerk of Hamilton"
- be carried out as intended.
- (b) That the City Clerk advise City Council when By-laws are received and that such By-laws be referred to the appropriate committee of City Council for their information and discussion.
- (c) That the 10 day notification period be monitored by the City Clerk to determine its appropriateness.

4.4 That City Council petition the Federal Government to amend the Hamilton Harbour Commissioners' Act as follows:

- (a) increase the membership from 3 to 5 members;
- (b) that 3 members be appointed by the Federal Government, and 2 members by the Hamilton City Council.
- (c) that Sub-section 4 of Section 6 of the Act which reads:

"no members of the Council shall be eligible to be a commissioner"

be repealed.
- (d) that the two members appointed by Hamilton City Council, referred to in Recommendation (b) above, consist of at least one person who is not a member of Hamilton's City Council.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

In accordance with City Council's directions the above recommendations of the Task Force are herewith forwarded to the Legislation Committee for their review and consideration.

Attached are copies of the extracts of the recommendations and background information contained in the Task Force Report.

Copies of the full report have been distributed to all members of the City Council. Additional copies of this report can be obtained from Mrs. Susan Reeder, Task Force Secretary.

Encl.

cc Alderman B. Hinkley

RECOMMENDATION

4.2 BOATING SAFETY

- (a) THAT CITY COUNCIL PETITION THE FEDERAL AND PROVINCIAL GOVERNMENTS TO STUDY THE MATTER OF BOATING SAFETY AND THE OPERATORS' KNOWLEDGE AND ABILITY TO PERFORM SAFELY IN AND THROUGH ONTARIO'S WATERWAYS BY INSTITUTING A SYSTEM OF TESTING AND LICENCING OPERATORS OF VESSELS OVER 10 H.P.
- (b) THAT THE FEDERATION OF CANADIAN MUNICIPALITIES AND THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO BE NOTIFIED OF THIS PETITIONING.

BACKGROUND: In 1912 the Council of the City of Hamilton drafted legislation respecting Hamilton Harbour. The legislation was enacted by the House of Commons of Canada and cited as "The Hamilton Harbour Commissioner's Act". Section 20(a)(h)(i) of this Act are relevant to the above.

Section 20(a) - To regulate and control navigation and all works and operations within the harbour, and to appoint constables and other officials to enforce the same, or to enforce the provisions of any statutes or marine regulations relating to the harbour.

Section 20(h) - For regulating and controlling the operation and use of all canoes, sailing boats, row boats, motor boats and other kind of craft within the limits of the area over which the Corporation has jurisdiction.

Section 20(i) -

To impose penalties upon persons infringing any of the provisions of this Act or the by-laws of the Corporation; such penalties not to exceed fifty dollars or thirty days' imprisonment, and in default of payment of such pecuniary penalty and the costs of conviction, the period of imprisonment to be fixed by by-law not to exceed sixty days, nor to continue after such payment is made.

Until February 1986, the Hamilton Harbour Commission maintained and operated a Harbour Police Unit. The unit concerned itself with public safety, search and rescue, general policing of the harbour and the testing and licencing of boaters.

The Harbour Commission discontinued the practice of licencing boaters as it was their view it was unconstitutional. Toronto Harbour Commissioners continue to licence power vessels over 10 H.P.

Since February 1986 the Hamilton-Wentworth Regional Police have assumed the policing functions over Hamilton Harbour. Because there is no by-law requiring the testing and licencing of boaters in Hamilton Harbour this function is not being done.

RATIONALE FOR RECOMMENDATION: The increasing number of motorcraft operators on the bay who lack the knowledge of safe boating procedures and operations is continually increasing. The threat to public safety on the waterways is also increasing. The Task Force is of the opinion that operating licenses would assist to improve and enhance public safety.

The Task Force recognizes that a process of testing and licencing boaters locally would be of some benefit. The issue however is much broader in scope and, therefore, requires a broader course of action.

Boaters who visit Hamilton Harbour may not be licenced. The public deserves some degree of confidence that these operators have also been tested and licensed.

The Task Force believes this problem is apparent in harbours and waterways throughout Ontario and will increase over time. The Task Force is of the opinion that a province-wide approach would more adequately address the concerns. The Provincial and Federal Governments would also be in a better position to deal with any constitutional difficulties that may exist.

RECOMMENDATION

4.3 HAMILTON HARBOUR COMMISSION BY-LAWS

- (a) THAT ADHERENCE TO SECTION 20, SUB-SECTION OF THE HAMILTON HARBOUR COMMISSIONERS' ACT WHICH READS:

"NO BY-LAW SHALL HAVE FORCE OR EFFECT UNTIL CONFIRMED BY THE GOVERNOR IN COUNCIL AND PUBLISHED IN THE CANADA GAZETTE, AND EVERY SUCH BY-LAW SHALL, AT LEAST TEN DAYS BEFORE IT IS SUBMITTED TO THE GOVERNOR IN COUNCIL BE SERVED UPON THE CITY CLERK OF HAMILTON"

BE CARRIED OUT AS INTENDED.

- (b) THAT THE CITY CLERK ADVISE CITY COUNCIL WHEN BY-LAWS ARE RECEIVED AND THAT SUCH BY-LAWS BE REFERRED TO THE APPROPRIATE COMMITTEE OF CITY COUNCIL FOR THEIR INFORMATION AND DISCUSSION.
- (c) THAT THE 10 DAY NOTIFICATION PERIOD BE MONITORED BY THE CITY CLERK TO DETERMINE ITS APPROPRIATENESS.

BACKGROUND: During the Task Force's meetings, the following section of the Hamilton Harbour Commissioners' Act was discussed:

Section 20 - "The Corporation may make by-laws. not contrary to law or to the provisions of this Act, for the following purposes: -

Sub-section 2 - No by-law shall have force or effect until confirmed by the Governor in Council and published in the Canada Gazette, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the City Clerk of Hamilton".

RATIONALE FOR RECOMMENDATION: There appears to be doubt as to the implementation of this section of the Act. The Letter dated March 3rd, 1938 from then City Solicitor A. J. Polson attached herewith and marked Appendix 7, assists to clarify the intent of Section 20, Sub-section 2.

It is the Task Force's opinion that Mr. Polson's understanding of the intent of Section 20, Sub-section 2 is correct and the recommendation above, if implemented, would rectify a present reporting weakness.

RECOMMENDATION

4.4 COMPOSITION OF HAMILTON HARBOUR COMMISSIONERS

THAT CITY COUNCIL PETITION THE FEDERAL GOVERNMENT TO AMEND THE HAMILTON HARBOUR COMMISSIONERS' ACT AS FOLLOWS:

- (A) INCREASE THE MEMBERSHIP FROM 3 TO 5 MEMBERS;
- (B) THAT 3 MEMBERS BE APPOINTED BY THE FEDERAL GOVERNMENT, AND 2 MEMBERS BY THE HAMILTON CITY COUNCIL.
- (C) THAT SUB-SECTION 4 OF SECTION 6 OF THE ACT WHICH READS:

"NO MEMBER OF THE COUNCIL SHALL BE
ELIGIBLE TO BE A COMMISSIONER"

BE REPEALED.

- (D) THAT THE TWO MEMBERS APPOINTED BY HAMILTON CITY COUNCIL, REFERRED TO IN RECOMMENDATION (B) ABOVE, CONSIST OF AT LEAST ONE PERSON WHO IS NOT A MEMBER OF HAMILTON CITY COUNCIL.

BACKGROUND: During the Task Force's deliberations, a number of problems vis-a-vis the Harbour Commission and City Council were discussed. There is clearly a long history of disputes, differences of opinion, and conflict over roles, responsibility, authority and control. Because of these differences of opinion, co-operation and communications became strained, rigid, and extremely formalized.

The Hamilton Harbour Commissioners' Act, which was drafted by the City of Hamilton has been interpreted by the City in a manner that confers upon the Hamilton Harbour Commissioners several powers with broad accountability to the City. The Harbour Commissioners believe they are virtually immune from accountability, except in a very narrow sense.

4(a)

Corporation of the City of Hamilton

Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: E. A. Simpson
City Clerk

OUR FILE:

PHONE: 526-2729

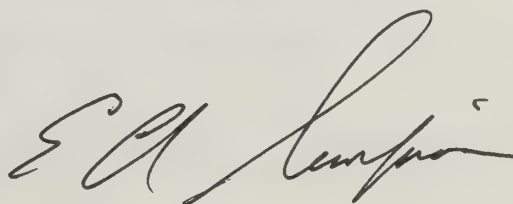
SUBJECT: ONTARIO TEACHERS' FEDERATION RALLY
1989 APRIL 01

DATE: 1989 March 15

Attached for your consideration and recommendation is a copy of a letter received from the Ontario Teachers' Federation formally requesting the use of the City Hall forecourt on Saturday, 1989 April 01 for a rally of Ontario teachers. It is anticipated that approximately 10 000 teachers will be attending this rally involving the use of over 200 buses from other communities.

Representatives of the Transportation Planning Department, Regional Police Department, Traffic Department and the City Clerk's Department met with representatives of the Teachers' Federation Group on Thursday, 1989 March 09 to discuss this major event.

During the course of their discussions, concern was expressed over the number of teachers attending the rally. Our best guess is that the forecourt will accommodate approximately 3 000 to 4 000 persons. However, I now understand the Engineering Services Committee have agreed to recommend to Regional Council on 1989 March 21 that the portion of Main Street in front of City Hall be closed in order to accommodate such a large gathering.



JT:mjw

Attachment

OTF/FEO

Ontario Teachers' Federation
Fédération des enseignantes et des enseignants de l'Ontario

March 10, 1989

MAR 13 1989

Mr. John Thompson
Secretary of the Legislation Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Thompson:

Re: Ontario Teachers' Federation - Rally April 1, 1989

As a follow-up to a meeting held on Thursday, March 9, 1989 between our representatives Ms. Marilyn Roycroft and Mr. Neil Doherty and representatives of the City of Hamilton, I am hereby making a formal request for the use of the forecourt space at the City Hall for a Rally of Ontario teachers to take place on Saturday, April 1, 1989 between the hours of 12:00 noon and 2:00 p.m.

The following details and protections for the Rally have been fully organized:

- (i) that 200 teachers appropriately identified, will act as marshalls for the Rally; and
- (ii) that the Police Department, Hamilton-Wentworth Regional Police assistance has been requested.

The Ontario Teachers' Federation acknowledges responsibility and is prepared to fully finance the following:

- (i) the cost of Hamilton City Hall carpenters erecting an appropriate stage in the City Hall forecourt;
- (ii) the provision of a comprehensive clean-up committee to maintain and return the area to its former state after the Rally has concluded;

March 10, 1989

- (iii) the cost of any additional maintenance that must be performed by the City of Hamilton personnel;
- (iv) the cost of any additional Police personnel needed in the supervision of the teachers' Rally; and
- (v) the cost of public liability insurance in the amount of \$1,000,000.00.

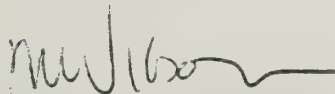
It is the Federation's understanding, that the meeting of the legislation committee is to be held on Monday, March 20, 1989 and our request for the use of the City Hall forecourt space may be discussed at that time. The Federation is prepared to be present to answer questions if that be the wish of the committee.

Please be informed, that the Co-ordinator of the Rally is a member of my staff. Her name is Mrs. Claudette Foisy-Moon, Executive Assistant, and she may be reached at the office number (416) 966-3424, Ext. 40.

Should there be need for further clarification of details, I would ask that you be in contact with Mrs. Foisy-Moon.

Thank you for your consideration to our request.

Yours sincerely,



Margaret Wilson
Secretary-Treasurer

MW:kp

cc: Mrs. Claudette Foisy-Moon
Ms. Marilyn Roycroft
Mr. Neil Doherty

FOR ACTION

4(6)

REPORT TO: Mr. J.D. Thompson
Secretary, Legislation Committee

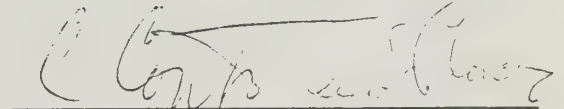
FROM: Mrs. S. Glover, Secretary
Mayor's Race Relations Committee

DATE: 1989 March 14
COMM FILE:
DEPT FILE:

SUBJECT: Proposed Police & Racial Minorities Symposium

RECOMMENDATION:

That approval be given for the Mayor's Race Relations Committee to use the Council Chamber on Monday, April 24, 1989 at 7:00 p.m. for a Symposium entitled "Police and Racial Minorities".



Stella Glover, Secretary

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The above recommendation was passed at the Mayor's Race Relations Executive Committee meeting on 1989 March 13.

The object of the Symposium is to give the Hamilton perspective on Police and Visible Minorities and guest speakers will include Chief Colin Miller, Superintendent Gerry Malcolmson and Professor Harish Jain.

SG/jc

FOR ACTION

4(c)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk


DATE: 1989 March 15
COMM FILE:
DEPT FILE:

SUBJECT:

Canadian Society of Safety Engineering.

RECOMMENDATION:

That the request of the Canadian Society of Safety Engineering for permission to use the City Hall foyer to display posters produced by local students during Canadian Occupational Health and Safety Week which occurs 1989 June 18 to June 24, be approved.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Canadian Society of Safety Engineering promotes safety week throughout Canada during this time period, achieving a greater awareness in health and safety in the workplace.

FOR ACTION

4(2)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

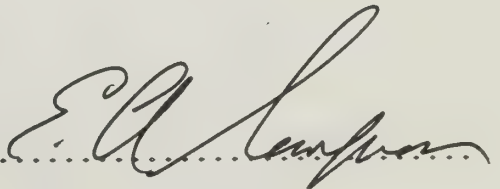
DATE: 1989 March 15
COMM FILE:
DEPT FILE:

SUBJECT:

Croatian National Congress, Hamilton Branch.

RECOMMENDATION:

That approval be given to the request of the Croatian National Congress, Hamilton Branch to use the Council Chambers on Saturday, 1989 May 20 from 11:00 a.m. to 12:00 noon for a ceremony in commemoration of the Croatian Holocaust victims killed at Bleiburg, Austria.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approximately \$50 for staff overtime. Funding available.

BACKGROUND:

FOR ACTION

4(2)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

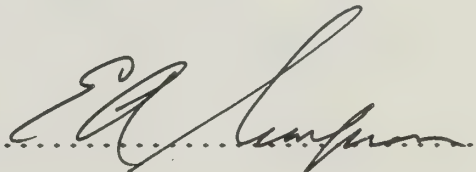
DATE: 1989 March 15
COMM FILE:
DEPT FILE:

SUBJECT:

Interfaith Council for Refugees.

RECOMMENDATION:

That permission be granted to the Interfaith Council for Refugees to use the Council Chambers for a proclamation ceremony on Tuesday, 1989 April 04 from 6:15 p.m. to 7:20 p.m. on the occasion of Refugee Day.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

5(a)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

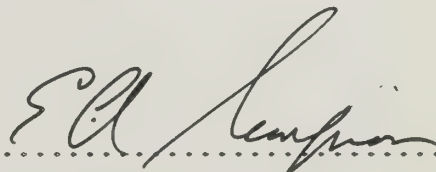
DATE: 1989 March 15
COMM FILE:
DEPT FILE:

SUBJECT:

St. John Ambulance.

RECOMMENDATION:

That approval be given to the request of St. John Ambulance to fly the St. John flag at City Hall during the week of 1989 May 28 to 1989 June 03 to mark the declaration of "St. John Week in Hamilton".

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

5(6)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

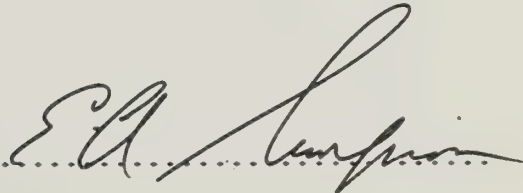
DATE: 1989 March 15
COMM FILE:
DEPT FILE:

SUBJECT:

Canadian Slovak League, Branch 11.

RECOMMENDATION:

That the request of the Canadian Slovak League, Branch 11 to fly the Slovak flag at City Hall during the week of 1989 March 19 to 1989 March 24 in celebration of the 50th Anniversary of the proclamation of the Slovak Republic, be approved.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

6.

Corporation of the City of Ham

Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: E. A. Simpson
City Clerk

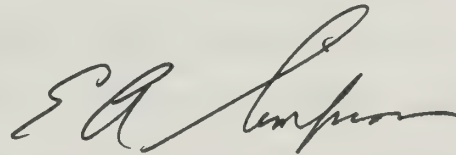
OUR FILE:

PHONE: 526-2729

SUBJECT: USE OF THE NAME "HAMILTON"

DATE: 1989 March 15

Attached for the Committee's consideration and recommendation is a copy of an application from Galaxy Contest Promotions, St. Catharines requesting permission to include the name "Hamilton" in a swimwear pageant to be held in the City of Hamilton sometime in June or July 1989.



JT:mjw

Attachment

Galaxy Contest Promotions

Presents- THE MISS SWIMWEAR HAMILTON PAGENT

This is a letter written for the city Council of HAMILTON
ONTARIO. My name is Glenn Timak, I am a D.J.,
Contest Producer, And Special Events Producer. The reason for
this letter is to obtain appoval of using the HAMILTON
ONTARIO name. More pacifie, I want to use the name
MISS SWIMWEAR HAMILTON for a bikini contest this
summer. The contest will have the best beautiful women in
HAMILTON. There will be a number of spon-
sors for this pagent, they will be giving away prize money
and gifts. This contest will be one of the top main events
of the summer. I am obtaining approvals also from a number
of other cities, for the same type of contest. I am hoping
to get up to 15 city approvals, then after these city bikini
contests are finished then there will be a finals. For more
information please contact Glenn Timak at 1-416-646-2045.

Galaxy Contest Promotions
Glenn Timak

GALAXY CONTEST PROMOTIONS

My name is Glenn Alexander Timak. I am A Contest Producer and a D.J. I have been producing contests since 1984. And have in the past done a wide variety of contests. I have found in my experience that customers love contests. If you need something special done please give me a call.

Contest History

The 1984 Wet-T-Shirt Contest	Feb 1984
	Queensway Hotel
	St.Catharines Ontario
The 1984 Body Beautiful Contest	June 1984
	Queensway Hotel
	St. Catharines Ontario
The 1985 Wet-T-Shirt Contest	March 1985
	Queensway Hotel
	St. Catharines Ontario
The 1985 Body Builders Contest	April 1985
	Queensway Hotel
	St.Catharines Ontario
The Miss Bikini Galaxy 86 Contest	May 1986
	Queensway Hotel
	St.Catharines Ontario
The Miss Legs 86 Contest	July 1986
	Queensway Hotel
	St.Catharines Ontario
The Miss Bikini Galaxy 87 Contest	May 1987
	Embassy Hotel
	St.Catharines Ontario
The Miss Nude Embassy 87 Contest	July 1987
	Embassy Hotel
	St.Catharines Ontario
The Mr. Stud Contest	October 1987
	Minsky's Diamond Lounge
	St.Catharines Ontario

Contest History Page 2

The 1987 Wet-T-Shirt Finals November 1987
 Minsky's Diamond Lounge
 St.Catharines Ontario

The Miss Body Beautiful 88 Star Search
 June 1988
 Ricci's Tavern
 St.Catharines Ontario

The Miss Bikini Galaxy 88 Contest July 1988
 Lou-Lu's Place
 St.Catharines Ontario

The Miss Copperfield's 88 Pagent August 1988
 Copperfields Steak House
 St.Catharines Ontario

The Team Canada Bikini Girls
They performed at Copperfields Steak House, in August 1988.
St.Catharines Ontario.

Glenn Timak
351 Geneva St. Apt. 906
St.Catharines Ontario
L2M 6P3
1-416-646-2045



CITY COUNCIL
HAMILTON, CANADA

Al
Ch

7.
Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2733 • RES. (416) 528-2009 — WARD 2

February 22, 1989

Mr. J. Thompson, Secretary
Legislation Committee

Dear Mr. Thompson:

Attached is a copy of a letter from Alderman Agostino regarding the Market Sub-Committee.

Please place this matter on the agenda of the next Legislation Committee.

Sincerely,

Vince Agro, Chairman
Legislation Committee

VJA:sn

Attch.



CITY COUNCIL
HAMILTON, CANADA

*Place on agenda
of next
meeting!*

Feb 7 1989

Alderman Dominic Agostino

71 MAIN STREET WEST L8N 3T4 • (416) 526-2732 • RES. (416) 574-0179 — WARD 5

1989 February 6

Alderman V. Agro. Chairman,
Legislation Committee

Dear Vince:

At our last Council meeting, Council approved the recommendations of the Legislation Committee regarding the Hamilton Farmers Market Subcommittee.

Alderman Lombardo was the only recommendation from the Committee. By-law requires the appointment of two Aldermen.

I would like to forward my intention to the Legislation Committee that I would be willing to serve on the Hamilton Farmers Market Subcommittee. I have a very strong interest in the market and I feel that I can contribute to the Committee.

I would appreciate it if you would forward this request for consideration to the next meeting of the Legislation Committee.

Thank you for your consideration in this matter.

Sincerely,

Dominic Agostino, Alderman,
Ward 5

DA:tb

c.c. Mayor R. Morrow
Members, Legislation Committee

FOR ACTION

8.

REPORT TO: J. D. Thompson, Secretary
Legislation Committee

FROM: S. J. Dembe, Manager
Licensing Division

DATE: March 14, 1989

COMM FILE:

DEPT FILE:

SUBJECT: 1989 Street Vendor's Permit
Grapes & Things Restaurant, 103 King St. E.
Mr. Paul Pappas

RECOMMENDATION: That a Street Vendor's Permit be issued to Grapes & Things Restaurant for the sale of food at the south-west corner of King & James Streets (C.I.B.C.) for 1989.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

[Handwritten signature]

N/A

BACKGROUND: Attached is a copy of the by-law respecting the street vendor's program, all correspondence related to this matter, including copies of the original application, letter of approval from this office, letters of objection/concern from the Developers of the site, Staff replies and scale drawings of the proposed stand.

This matter is being brought to the attention of the Committee almost three years after approval was given by City Council on May 13th, 1986. The site was not available for use until 1988 as the building was under construction previously. The applicant was, however, willing to wait until the building was completed before proceeding with his proposal.

Although the permit has been approved, it has been the policy of the Legislation Committee to authorize the actual design, size, type of food for sale and specific location for placement of the stand before issuing the permit.

The Street Vendor's Program has the support of the Downtown B.I.A. This particular location, along with approximately twenty others in the downtown core (see attached map), was identified as being suitable for street vendor's stands by the former City Architect, Mr. D. Freeman. There was also input by the former Street Vendors Sub-Committee.

We suggest that the permit be issued subject to resolution of the concerns expressed by the Developer.

SJD/be

The Corporation of the City of Hamilton

BY-LAW NO. 85- 66

Respecting:

STREET VENDORS

WHEREAS section 210, paragraph 65 of The Municipal Act, R.S.O. 1980, Chapter 284 provides that by-laws may be passed,

105. For prohibiting persons from soliciting or importuning, on a highway or in a public place, others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house or for regulating persons so employed.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area;

AND WHEREAS section 210, paragraph 66 of the said Act provides that by-laws may be passed,

66. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

- (a) A by-law passed under this paragraph may be made applicable to the whole of the municipality or to any defined areas thereof;

AND WHEREAS subsection 230(3), paragraph 3 of the said Act provides that by-laws may be passed,

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof;

AND WHEREAS section 309, paragraph 3 of the said Act provides for the passing of by-laws for permitting the use of highways by persons as may be agreed upon, specifying terms and conditions and making annual or other charges for the privilege, and requiring restoration of the highway upon the termination of the privilege.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,

- (a) "Agreement" means an agreement between the City and a person applying for a street vendor's Permit;
- (b) "applicant" means a person applying for permission to use the highway as a street vendor;
- (c) "Architect" means the City Architect;
- (d) "City" means the City of Hamilton;
- (e) "Commissioner of Engineering" means the Commissioner of Engineering of The Regional Municipality of Hamilton-Wentworth;
- (f) "committee" means the Transport and Environment Committee;
- (g) "Director of Public Works" means the Director of Public Works of the City;
- (h) "goods" means goods listed in the Agreement;
- (i) "Issuer of Licences" means the Issuer of Licences under By-law No. 79-323 and any inspector referred to therein;
- (j) "lot" means vacant lot adjacent to a highway;
- (k) "part of the highway" means a sidewalk or boulevard;
- (l) "Permit" means a document issued by the City permitting a street vendor to occupy a part of a highway by a stand;
- (m) "Regional Municipality" means The Regional Municipality of Hamilton-Wentworth;
- (n) "service" means a service provided by performing artists as described in the Agreement, other than the sale of goods at a stand;
- (o) "service site" means the location on a highway where services are provided for sale by retail and includes one or more seats for use in conjunction therewith;
- (p) "stand" means a portable stall or booth on a highway where goods are exposed or offered for sale by retail and includes one or more seats for use in conjunction therewith;
- (q) "street vendor" means a person who operates a stand or provides a service.

2. (1) Every applicant shall attend at the office of the Issuer of Licences and make and file an application in FORM 1 for an Agreement in FORM 2 in respect of stands and in FORM 3 in respect of service, with the City and for a Permit in FORM 4 and pay a fee or other charge per annum.

(2) Notwithstanding subsection 1, the City may amend the Agreements upon such terms and conditions as the City may require.

3. (1) Every applicant for a stand shall be a person whose name appears on the last revised assessment roll of the City or the assessment roll, as amended.

(2) No Agreement shall be entered into and no Permit issued to a person whose name does not appear on the assessment roll.

4. Every applicant for a stand shall, in addition to any other information required under this by-law, with his application provide a list of the goods to be sold at the stand.

5. (1) Every applicant for a stand shall, prior to entering into an Agreement, provide the Issuer of Licences and the Architect with the following:

1. Design, size and colour of the stand.
2. Construction details and material used.

(2) Every design shall provide for a storage space within the stand.

(3) No Agreement shall be entered into and no Permit issued where the committee is not satisfied with the design, size, colour, construction and material to be used.

6. (1) Notwithstanding any application made for a stand, no Agreement shall be entered into and no Permit issued except in the following order:

1. An Agreement may be entered into and a Permit issued to an applicant for a stand carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by any other applicant.
2. Where the person carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by an applicant does not apply for a stand, an Agreement may be entered into and a Permit issued to an applicant carrying on the closest similar type of business in the area of the location of the proposed stand.
3. Where a person carrying on the closest similar type of existing permanent business that is,
 - (1) the least distance from the location of the stand proposed by any other applicant, or

(ii) in the area of the location of the proposed stand,

does not apply for a stand, an Agreement may be entered into and a Permit issued to an applicant who complies with section 3.

7. (1) Every applicant for a service site shall, in addition to any other information required by this by-law, with his application provide a description of the service to be provided.

(2) No Agreement shall be entered into and no Permit issued where the committee is not satisfied with the service proposed to be provided.

8. Every Agreement entered into shall be upon such terms and conditions as the City may require.

9. No Permit shall be issued without prior execution of an Agreement by the City.

10. Every Agreement shall list the goods or services provided.

11. No Agreement shall be entered into by the City where the committee is satisfied that the information referred to in section 4 and in subsection 7(1) has not been provided.

12. Every Agreement and every Permit shall expire on the date set out in the Agreement.

13. The highways referred to in Schedule "A" are designated as highways respecting which Agreements may be entered into and Permits issued.

14. Every Agreement shall designate the highway and location thereon which a street vendor shall use for his or her stand or service.

15. Every street vendor who operates a stand shall comply with the following regulations:

1. Not use part of the highway other than the part of the highway for which a Permit has been issued.
2. Not use the highway for storage of articles not immediately for sale, except in the storage space within the stand.
3. Not use the highway for other than the operation of the stand.
4. Not use signs, advertising devices or

other means of advertising and content thereof that are not attached to the stand.

5. Affix the Permit to the stand in a manner and position approved by the Issuer of Licences.
6. Relocate the stand at his or her own expense to any other part of the highway as may be required by the City upon direction of the Issuer of Licences.
7. Remove the stand and goods at his or her own expense, immediately,
 - (a) as may be required by the City;
 - (b) upon expiry of the Permit.
8. Permit the Director of Public Works and the Commissioner of Engineering to enter upon the part of the highway upon which the stand is located for the purpose of public works.
9. Permit the Issuer of Licences to enter upon the part of the highway upon which the stand is located for the purpose of inspecting the stand, its content and any goods exposed or offered for sale.
10. Keep and maintain at all times at his or her own expense, the part of the highway on which the stand is located and in the vicinity thereof, in a clean, sanitary and attractive condition, free from all paper, rubbish, waste or other debris whether or not resulting from operation of the stand, in a manner satisfactory to the Director of Public Works.
11. Upon relocation or removal of the stand, leave the part of the highway upon which the stand was located and the immediate vicinity thereof in a safe, proper and clean condition satisfactory to the Director of Public Works.
12. Take out a policy of insurance as specified in the Agreement.
13. Not sell by retail, goods that are not described in an Agreement.
14. Not assign or transfer the Agreement and Permit without prior consent of the City.
16. Every street vendor that provides a service shall comply with the following regulations:
 1. Not use part of the highway other than the part of the highway for which a Permit has been issued.
 2. Not use the highway for other than the provision of a service.

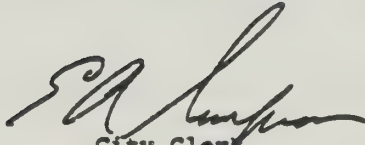
3. Not use signs, advertising devices or other means of advertising and content thereof not specifically permitted by the Agreement.
 4. Expose the Permit in such a manner satisfactory to the Issuer of Licences.
 5. Relocate his or her service site to any other part of the highway as may be required by the City upon direction of the Commissioner of Engineering.
 6. Permit the Director of Public Works and the Commissioner of Engineering to enter upon the part of the highway upon which the service site is located for the purpose of public works.
 7. Keep and maintain at all times at his or her own expense, the service site in a clean and sanitary condition free from all paper, rubbish, waste or other debris in a manner satisfactory to the Director of Public Works.
 8. Upon relocation of the service, leave the service site in a clean condition satisfactory to the Director of Public Works.
 9. Not assign or transfer the Agreement and Permit without prior consent of the City.
 10. Keep and maintain a standard of dress, appearance and decorum satisfactory to the committee.
 11. Not provide services that are not described in an Agreement.
17. Nothing in this by-law shall obligate the City to enter into an Agreement or issue a Permit or grant prior permission or consent.
18. No person to whom a Permit has not been issued, or to whom a Permit has been issued but is not in force, shall use part of the highway or a vacant lot adjacent thereto for the sale by retail of goods or services.
19. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than \$2,000.
20. Every street vendor who contravenes any regulation in sections 15 or 16 is guilty of an offence and is liable to a fine of not more than \$2,000.


21. Except by a street vendor to whom a Permit has been issued and is in force, no person shall solicit or importune on a highway listed in Schedule "A".

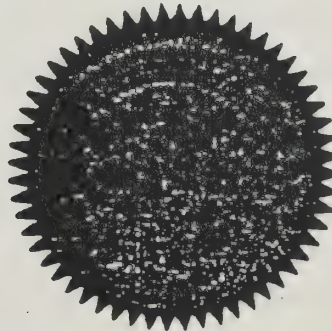
22. The amount of fee or charge for permission to establish a stand shall be as follows:

1. For street vendors operating
a stand.....\$300.00.
2. For street vendors providing
a service.....\$100.00.

PASSED this 9th day of April 1 A.D. 1985.


City Clerk


Mayor



SCHEDULE "A"

To

By-law No. 85- 66

Section 11

HIGHWAYS FOR WHICH PERMITS MAY BE ISSUED

NAME	FROM	TO	SIDE (North or South East or West)
King Street	Bay Street	Mary Street	North and South

FORM 1

The Corporation of the City of Hamilton

Application For A Street Vendor's Agreement and Permit No. _____

(By-law No. 85- 66 , S.2)

Applicant (Print)			
Address (Print)			Telephone:
List of goods or services (see By-law No. 85- , S.3(a)) (Print)			
(List types, classes and amounts of goods and services in detail on reverse side.)			
Preferred Location: Select one location by placing "X" in appropriate box. One space only per Street Vendor.			
Street	North Side	South Side	Location
()	()	()	_____
()	()	()	_____
()	()	()	_____
()	()	()	_____
()	()	()	_____
()	()	()	_____
<p>I certify that I am a resident of The Regional Municipality of Hamilton-Wentworth and that my goods are and will be for sale by retail by me or by my employee or assistant or partner.</p> <p>I have read and am conversant with By-law No. 85- 66 , and, if granted a Permit, undertake to comply with the provisions of the By-law.</p> <p style="text-align: right;">Signed: _____</p> <p style="text-align: right;">Address: _____</p> <p style="text-align: right;">Telephone No.: _____</p> <p style="text-align: right;">Date: _____</p>			

FORM 2

The Corporation of the City of Hamilton

STREET VENDOR'S STAND AGREEMENT

By-law No. 85- 66

(Section 2)

THIS AGREEMENT made on the day of , 19

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter referred to as the "City")

OF THE FIRST PART

- and -

(hereinafter referred to as the "Street Vendor")

OF THE SECOND PART

W H E R E A S:

1. The Street Vendor has applied to the City for this Agreement and for permission to operate a stand on part of the highway listed in Schedule "1" to this Agreement and in accordance with By-law No. 85-

2. It is desirable to grant the permission applied for.

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of,

(a) the premises and covenants and agreements hereinafter contained on the part of the parties hereto to be observed, fulfilled and performed by each of them hereafter provided (the provision of which shall survive the execution of this Agreement);

(b) the granting by the City of permission to operate a stand on part of the highway listed in

Schedule "1" to this Agreement;

(c) other good and valuable consideration, the parties do hereby covenant and agree as follows:

1. The Street Vendor will operate the stand only at the location on part of the highway specified in Schedule "1".
2. The Street Vendor will operate the stand only on such days and during such times specified in Schedule "1" for the corresponding part of the highway.
3. The Street Vendor will sell by retail only those goods and provide only those services listed in Schedule "2" to this Agreement.
4. The Street Vendor will not substitute the stand approved by the Architect for any other stand, without consent.
5. The Street Vendor will maintain a policy of insurance during the period that the Permit is in force at his or her own expense satisfactory to the City and the Regional Municipality in which the City and the Regional Municipality are the named insured and is indemnified against all liabilities which may arise from the use of part of the highway under the Permit.
6. The Street Vendor will indemnify and keep indemnified the City and the Regional Municipality against all actions, suits, claims and demands which may be brought against, or made upon, the City or the Regional Municipality, or both of them, and against all loss, costs, damages,

charges or expenses whatsoever that may be incurred, sustained or paid by the City and the Regional Municipality or both of them, in consequence of the stand hereby permitted over and upon the highway.

7. The Street Vendor will not make any claims against the City on account of, or in respect of,
 - (a) relocation or removal of the stand;
 - (b) the Director of Public Works or the Issuer of Licences entering upon the location of the stand.
8. The City may perform any act or do any work at the full cost and expense of the Street Vendor where the City is of the opinion that the Street Vendor has neglected, failed or refused to relocate or remove the stand, to keep the vicinity of the stand in a clean and sanitary condition or to leave part of the highway and the vicinity thereof upon relocation or removal of the stand, in a safe, proper and clean condition.
9. Upon removal of the stand by the City, the City may store the stand for such period of time as the City may require and if the Street Vendor does not apply to the City for the stand within 30 days, the City may, without recourse by the Street Vendor, sell the stand or otherwise dispose of it.
10. Where the Street Vendor retrieves the stand from storage by the City within

30 days, the City may charge for storage in such amount as the City determines and shall not be liable for any damage or injury to the stand or any loss or expense incurred or to be incurred by the Street Vendor during the period of storage, and in no event, shall the City be liable for any claim in respect of the stand for any reason whatsoever.

11. The Street Vendor will comply in all respects with the Agreement and with the directions of the Director of Public Works and the Issuer of Licences in accordance with the by-law.
12. The Street Vendor fully understands that the permission granted to operate a stand is during the pleasure of council and that,
 - (a) the permission may be cancelled at any time by the City;
 - (b) the permission may be suspended for cause by the Director of Public Works or the Issuer of Licences pending a report to the committee;
 - (c) if the City at any time cancels or suspends the permission hereby granted, or upon expiration of the permission hereby granted, the City will not be liable to pay any compensation whatsoever for any loss, costs or damages that the Street Vendor or anyone claiming under

the Street Vendor may have by reason of such cancellation, suspension or expiry;

- (d) the Agreement and the permission hereby granted automatically terminates and expires on
- (e) the City is under no obligation to reinstate any permission cancelled or suspended or to renew any permission expired.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

City Clerk

Witness:

04/09/85

188
- 15 -

SCHEDULE "1"

To

STREET VENDOR'S STAND AGREEMENT

PARTS OF HIGHWAYS ON WHICH STANDS MAY BE OPERATED

SCHEDULE "2"

To

STREET VENDOR'S STAND AGREEMENT

GOODS TO BE SOLD

FORM 3

The Corporation of the City of Hamilton
STREET VENDOR'S SERVICE AGREEMENT

By-law No. 85-66

(Section 2)

THIS AGREEMENT made on the day of , 19

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter referred to as the "City")

OF THE FIRST PART

- and -

(hereinafter referred to as the "Street Vendor")

OF THE SECOND PART

W H E R E A S:

1. The Street Vendor has applied to the City for this Agreement and for permission to operate a stand on part of the highway listed in Schedule "1" to this Agreement and in accordance with By-law No. 85-
2. It is desirable to grant the permission applied for.

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of,

(a) the premises and covenants and agreements hereinafter contained on the part of the parties hereto to be observed, fulfilled and performed by each of them hereafter provided (the provision of which shall survive the execution of this Agreement);

(b) the granting by the City of permission to provide service on part of the highway listed in

Schedule "1" to this Agreement;

(c) other good and valuable consideration, the parties do hereby covenant and agree as follows:

1. The Street Vendor will provide the service only at the location on part of the highway specified in Schedule "1".
2. The Street Vendor will provide the service only on such days and during such times specified in Schedule "1" for the corresponding part of the highway.
3. The Street Vendor will provide only the services listed in Schedule "2" to this Agreement.
4. The Street Vendor will maintain a policy of insurance once during the period that the Permit is in force at his or her own expense satisfactory to the City in which the City is the named insured and is indemnified against all liabilities which may arise from the use of part of the highway under the Permit.
5. The Street Vendor will indemnify and keep indemnified the City against all actions, suits, claims and demands which may be brought against, or made upon, the City and against all loss, costs, damages, charges or expenses whatsoever that may be incurred, sustained or paid by the City in consequence of the stand hereby permitted over and upon the highway.
6. The Street Vendor will not make any claims against the City on account of, or in respect of,

- (a) relocation or removal of the stand;
 - (b) the Director of Public Works or the Issuer of Licences entering upon the location where the service is provided.
7. The City may perform any act or do any work at the full cost and expense of the Street Vendor where the City is of the opinion that the Street Vendor has neglected, failed or refused to leave the service site in a clean and sanitary condition or to leave part of the highway and the vicinity thereof upon relocation in a safe, proper and clean condition.
8. The Street Vendor will comply in all respects with the Agreement and with the directions of the Director of Public Works and the Issuer of Licences in accordance with the by-law.
9. The Street Vendor fully understands that the permission granted to provide a service is during the pleasure of council and that,
- (a) the permission may be cancelled at any time by the City;
 - (b) the permission may be suspended for cause by the Director of Public Works or the Issuer of Licences pending a report to the committee; committee;
 - (c) if the City at any time cancels or suspends the permission hereby granted, or upon expiration of the

permission hereby granted, the City will not be liable to pay any compensation whatsoever for any loss, costs or damages that the Street Vendor or anyone claiming under the Street Vendor may have by reason of such cancellation, suspension or expiry;

- (d) the Agreement and the permission hereby granted automatically terminates and expires on _____;
- (e) the City is under no obligation to reinstate any permission cancelled or suspended or to renew any permission expired.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF HAMILTON

In the presence of:

Mayor

City Clerk

Witness:

04/09/85

194 - 21 -

SCHEDULE "1"

To

STREET VENDOR'S SERVICE AGREEMENT

PARTS OF HIGHWAY ON WHICH SERVICES MAY BE PROVIDED

SCHEDULE "2"

To

STREET VENDOR'S SERVICE AGREEMENT

SERVICES TO BE PROVIDED

FORM 4
City of Hamilton
Street Vendor Occupation Permit No. _____

STREET VENDOR

By-law No. 85-66
(Section 2)

THE UNDERNOTED STREET VENDOR is permitted to occupy the sidewalk and/or boulevard indicated and to establish a stand thereon.

Street Vendor:	Address:
	Telephone No.:
Feet () X () Sidewalk Width Depth	Feet () X () Boulevard Width Depth
Location and Details:	
All obstructions must be cleared on this date	EXPIRY DATE: _____, 19
<p style="text-align: center;">This Permit is subject to By-law No. 85 - and the conditions in an Agreement between the City and the Street Vendor named above.</p> <p style="text-align: center;">The City reserves the right to cancel this Permit without notice.</p> <p style="text-align: center;">No unauthorized signs or advertising devices may be attached to any stand allowed by this Permit.</p>	
Street Vendor	_____ (Signature)
Witnessed and Issued by	_____ For: City

The Corporation of the City of Hamilton

BY-LAW NO. 85-181

To Amend:

Street Vendors By-law No. 85-66

Respecting:

RENEWAL OF AGREEMENTS AND
ADVERTISEMENT OF GOODS AND SERVICES

WHEREAS By-law No. 85-66, passed on the 9th day of April, 1985 pursuant to various provisions of The Municipal Act as therein set out, provides for the use of parts of sidewalks by Street Vendors;

AND WHEREAS it is intended to amend the said by-law in order to allow for renewal of Agreements with street vendors.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 6 of By-law No. 85-66 is amended by adding thereto the following subsection:

(2) Notwithstanding any application made for a stand, or the order referred to in subsection 1, an Agreement may be renewed or extended and a Permit issued for a period commencing on the expiry of the immediately preceding Agreement, upon such terms and conditions as the City may require.

2. Paragraph 4 of section 15 of the said by-law is repealed and the following substituted therefor:

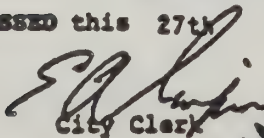
4. Not use signs, advertising devices or other means of advertising that are not attached to the stand.

4a. Not use the stand to advertise any matter or thing other than the actual goods exposed or offered for sale by retail.

3. Paragraph 3 of section 16 of the said by-law is repealed and the following substituted therefor:

3. Not use signs, advertising devices or other means of advertising to advertise a service that is not specified in the Agreement.

PASSED this 27th day of August, A.D. 1985.


City Clerk
Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 86- 154

To Amend:

Street Vendors By-law No. 85-66

Respecting:

REMOVAL OF STANDS; PRIORITY OF LOCATIONS;
ELIMINATION OF SERVICES; CANCELLATION OF PERMIT

WHEREAS By-law No. 85-66, passed on the 9th day of April, 1985, as amended by By-law No. 85-121, passed on the 25th day of June, 1985 and By-law No. 85-181, passed on the 27th day of August, 1985, provides permission to Street Vendors on designated highways;

AND WHEREAS it is intended to further amend By-law No. 85-66.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Clauses 1(n), 1(o) of By-law No. 85-66 are repealed.

(2) Clause 1(q) of the said by-law is amended by striking out "or provide a service" at the end thereof.

2. (1) Subsection 2(1) of the said by-law is repealed and the following substituted therefor:

(1) Every applicant shall attend at the office of the Issuer of Licences and make and file an application in FORM 1 for Street Vendor's Agreement in FORM 2 and for a Permit in FORM 4 and pay a fee or other charge per annum.

(2) Section 2 of the said by-law is amended by adding thereto the following subsection:

(3) No application for a stand shall be received after 30 days from the date of a notice appearing in The Hamilton Spectator.

3. (1) Subsection 3(1) of the said by-law is amended by adding at the beginning thereof, "Except as provided in paragraph 4 of subsection 4(1),".

(2) Subsection 3(2) of the said by-law is amended by adding at the beginning thereof, "Except as provided in paragraph 4 of subsection 4(1),".

4. (1) Subsection 6(1) of the said by-law is repealed and the following substituted therefor:

(1) Notwithstanding any application made for a stand and except as provided in subsection 2, no Agreement shall be entered into and no Permit issued except in the following order:

1. An Agreement may be entered into and a Permit issued to an applicant for a stand carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by any other applicant in the city downtown.
2. Where there is no applicant under paragraph 1, an Agreement may be entered into and a Permit issued for a stand to any applicant carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by any other applicant in the city downtown.
3. Where there is no applicant under paragraphs 1 and 2, an Agreement may be entered into and a Permit issued to any resident of the city.
4. Where there is no applicant under paragraphs 1, 2 and 3, an Agreement may be entered into and a Permit issued to non-residents of the city.

5. Section 7 of the said by-law is repealed.

6. Section 10 of the said by-law is amended by striking out "or services" in the first line.

7. The said by-law is amended by adding thereto the following section:

11a. (1) Where a street vendor has not commenced business by July 1 of the current year, the City may cancel the Agreement and cancel the Permit and refund any fee or other charge.

(2) Upon cancellation of the Agreement and the permission to operate a stand, the City may enter into an Agreement and issue a Permit to any other applicant.

8. Section 14 of the said by-law is amended by striking out "or services" at the end thereof.

9. (1) Clauses (a) and (b) of paragraph 7 of section 15 of the said by-law are relettered "(b)" and "(c)", respectively.

(2) Paragraph 7 of section 15 of the said by-law is amended by adding thereto the following clause:

(a) upon ceasing to carry on business for a period of not more than two weeks;

10. Section 16 of the said by-law, as amended by section 3 of By-law No. 85-181, is repealed.

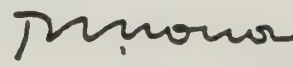
11. Section 18 of the said by-law is amended by striking out "or services" at the end thereof.

12. Section 20 of the said by-law is amended by striking out "sections 15 or 16" in the second line and inserting in lieu thereof "section 15".

13. Paragraph 2 of section 22 of the said by-law is repealed.

PASSED this 29th day of APRIL A.D. 1986.


City Clerk


Mayor

(1986) 5 R.L.C. 10, February 25



04/09/85

FORM 2

The Corporation of the City of Hamilton

STREET VENDOR'S STAND AGREEMENT

By-law No. 85- 66
(Section 2)

THIS AGREEMENT made on the day of , 19

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter referred to as the "City")

OF THE FIRST PART

- and -

(hereinafter referred to as the "Street Vendor")

OF THE SECOND PART

W H E R E A S:

1. The Street Vendor has applied to the City for this Agreement and for permission to operate a stand on part of the highway listed in Schedule "1" to this Agreement and in accordance with By-law No. 85-
2. It is desirable to grant the permission applied for.

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of,

- (a) the premises and covenants and agreements hereinafter contained on the part of the parties hereto to be observed, fulfilled and performed by each of them hereafter provided (the provision of which shall survive the execution of this Agreement);
- (b) the granting by the City of permission to operate a stand on part of the highway listed in

04/09/85

182
- 9 -

FORM 1

The Corporation of the City of Hamilton

Application For A Street Vendor's Agreement and Permit No. _____

(By-law No. 85- 66 , S.2)

Applicant (Print) <i>GRAPES & THINGS RESTAURANT</i>			
Address (Print) <i>103 KING ST EAST</i>			Telephone: <i>526 1121</i>
List of goods or services (see By-law No. 85- , S.3(a)) (Print) <i>(FOOD) - ICE CREAM, SOFT DRINK, PASTRY</i> (List types, classes and amounts of goods and services in detail on reverse side.)			
Preferred Location: Select one location by placing "X" in appropriate box. One space only per Street Vendor.			
Street	North Side	South Side	Location
() <i>KING & JAMES</i>	()	()	<i>JOHN EAST</i>
() <i>KING E.</i>	()	()	<i>JOHN EAST</i>
() <i>KING R</i>	()	()	<i>HUGHSON</i>
()	()	()	
()	()	()	
()	()	()	

1108 MAY 12 85

TY CLERKS DEPARTMENT

CORPORATION OF THE
CITY OF HAMILTONTENDER
RECEIVED

I certify that I am a resident of The Regional Municipality of Hamilton-Wentworth and that my goods are and will be for sale by retail by me or by my employee or assistant or partner.

I have read and am conversant with By-law No. 85- 66 , and, if granted a Permit, undertake to comply with the provisions of the By-law.

Signed: _____

Address: *103 KING ST. EAST*Telephone No.: *526 1121*Date: *05/14/85*

L241152

8K12 for King & James

J-18

PCIB<

May 14/85

L-5N

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

June 10, 1986

Mr. Paul Pappas
Grapes & Things Restaurant
103 King Street East
Hamilton, Ontario
L8N 1A9

Dear Sir:

I am pleased to advise that City Council at its meeting held May 13, 1986, in adopting Section 8 of the Ninth Report of the Legislation Committee, gave approval to your street vendor's application at James Street South at King Street West (s/w corner) location.

If you are a Street Vendor who sells food, you will require a refreshment vehicle licence, unless you are able to erect a permanent type stand which will be in compliance with all local by-laws, in particular, the Health Department who may require a washroom in the stand or within a specified distance. You can also anticipate concerns from Hamilton Hydro and the Regional Engineering Department regarding drainage facilities.

Additional standards as set out in the Street Vendors By-law are as follows:

- A plan showing the design, size and colour of the stand must be submitted for my approval;
- An insurance policy naming the City of Hamilton and the Regional Municipality of Hamilton-Wentworth as insured (as specified in the by-law), satisfactory to the City of Hamilton and the Region, will be required in advance of commencing business;
- A detailed list of all products to be sold will be required to be submitted to the Legislation Committee, which reserves the right to authorize/not authorize the sale of any item. You may recall that I advised you that your permit has been granted on the understanding that at least 70% of the goods being offered for sale are either food, flowers or jewelery products. I must approve any additional items which are accessory to the above items.

As this site is still unavailable due to construction of the Canadian Imperial Bank of Commerce building, I will hold your permit until the location is ready.

Yours truly,

S. J. Dembe, A.M.C.T.
Licence Administrator

SJD/hm

Dover Park
Development
Corporation Ltd.



July 15th, 1986

Grapes & Things
103 King Street East
HAMILTON, Ontario
L8N 1A9

Attention: Mr. Paul Papas

Dear Sir:

Re: Street Vendors Licence - King & James Streets, Hamilton

Further to our meeting of June 18th, 1986, I indicated that I would review the matter of your vendors licence with Canada Life (owners of Commerce Place) and the major tenant of the project, the Bank of Commerce, with a view toward determining their reactions to your request to potentially connect your proposed kiosk to the mechanical services of Commerce Place.

After careful review of this opportunity, we have decided that we would not support the installation of a permanent kiosk at this location and therefore, I must advise you that it will not be possible for your kiosk to be connected to our services.

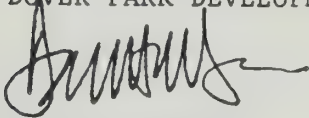
During the course of our discussions, I indicated to you that we would wish to approve the design of any kiosk to be situated at the main entrance to our project. I have arranged to obtain a series of photographs (copies of which are enclosed herewith) which represent a variety of mobile kiosks. I would be pleased to review the concepts of these designs with you at your convenience.

I trust you will find the above to be consistent with our conversation.

.../2

Thank you for bringing this matter to our attention.

Yours very truly,
DOVER PARK DEVELOPMENT CORPORATION LTD.

A handwritten signature in dark ink, appearing to read 'David A. House', with a stylized flourish at the end.

David A. House
Project Manager

/jlf
enclosure

cc - Alderman McCulloch
Steve Dembe ✓



Development Group

March 11, 1987

City Licensing Commission
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Telesis Development
Limited
Suite 1270
100 King Street West
Hamilton, Ontario
L8P 1A2

Attention: Mr. S.J. Dembe
Licence Administrator

416 521-1451

Dear Sir:

RE: Street Vendors
King & James Streets
Hamilton, Ontario

As you may recall, we previously reviewed the matter of the issuance of a street vendor license for the area immediately east of the main entrance to The Canadian Imperial Bank of Commerce's new main branch at the south-west corner of King and James Streets.

At that time, we discussed the implementation of this license, and we attempted to understand the design of the potential kiosk. To date we have not received any information in this regard.

As you know, it is my view that this location is not appropriate for a permanent street vendor facility, due to the volume of pedestrian traffic anticipated adjacent to the new C.I.B.C. branch (the 4th largest branch in Canada).

I would greatly appreciate it if you would bring me up to date on the status of the City's plan in this matter.

Yours very truly,
TELESIS DEVELOPMENT GROUP

David A. House
Development Manager

/asv

bcc: Bill McCulloch
Mayor Robert Morrow

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

June 17, 1987

Mr. David A. House
Development Manager
Telesis Development Limited
Suite 507, 330 University Avenue
Toronto, Ontario
M5G 1R7

Dear Sir:

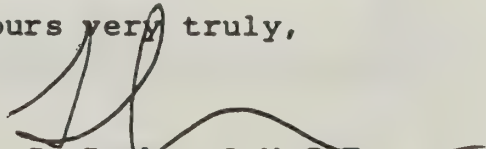
Re: Street Vendor's Permit

Please accept my apology for not replying to your letter of March 11, 1987.

However, I believed that you had a clear understanding from me that a street vendor's permit has been approved to Mr. Paul Pappas of Grapes and Things for a mobile street vending cart. This permit was issued before you raised any objections to this site. It was a part of the original group of sites designated for the Street Vendors Program for 1985. You indicated to me when we met that Mr. Pappas had approached you with the idea of erecting a "permanent" kiosk on this site, which did not meet with your approval. I further explained that Mr. Pappas's permit was issued on the understanding that while he could not operate during the construction period, once the facility was completed, he should bring in his final plan for his mobile cart and begin operation.

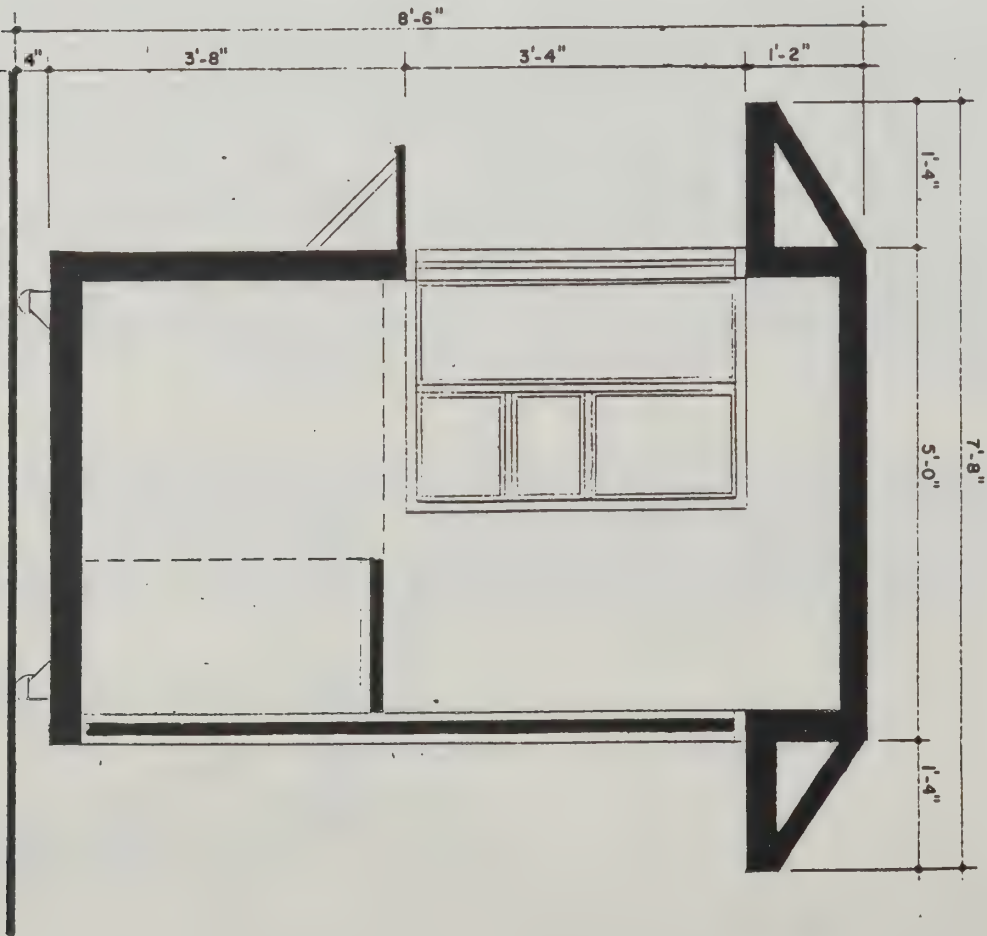
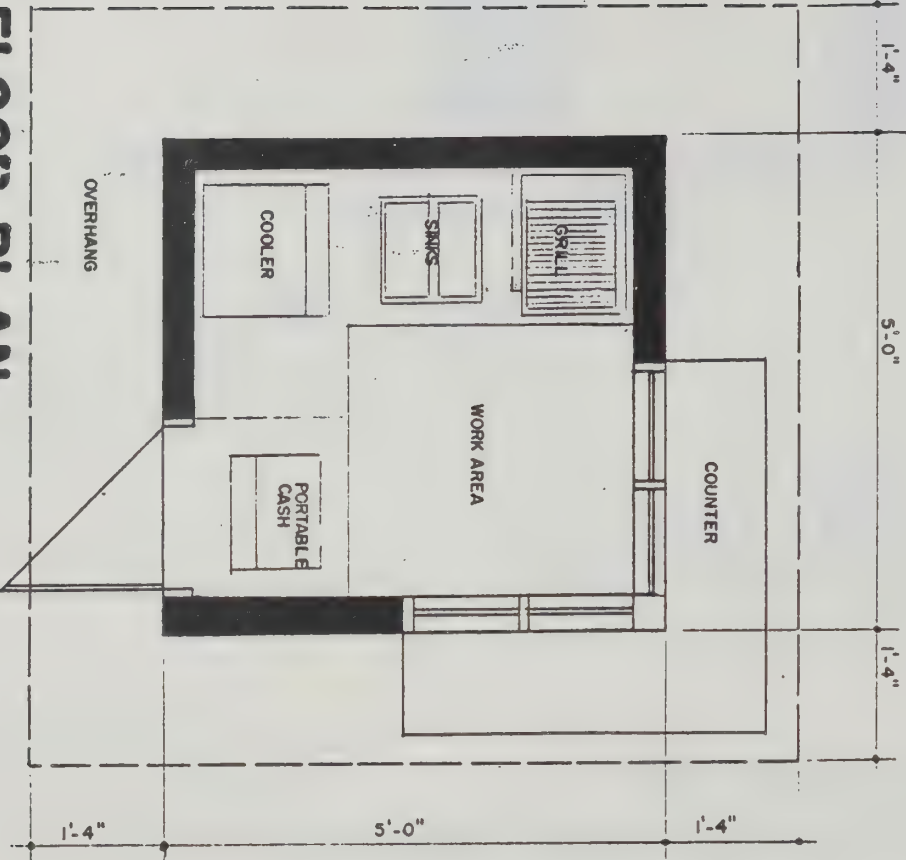
If you still believe that the site is not suitable, then this is a matter that has to be discussed with the members of the Legislation Committee and Mr. Pappas. Perhaps there is a way in which we could find an alternate site which would be to Mr. Pappas's satisfaction, so that his present permit for this location can be recommended for cancellation.

Yours very truly,


S. J. Dembe, A.M.C.T.
Manager, Licence Division

SJD/hm
c.c. Mayor R. Morrow

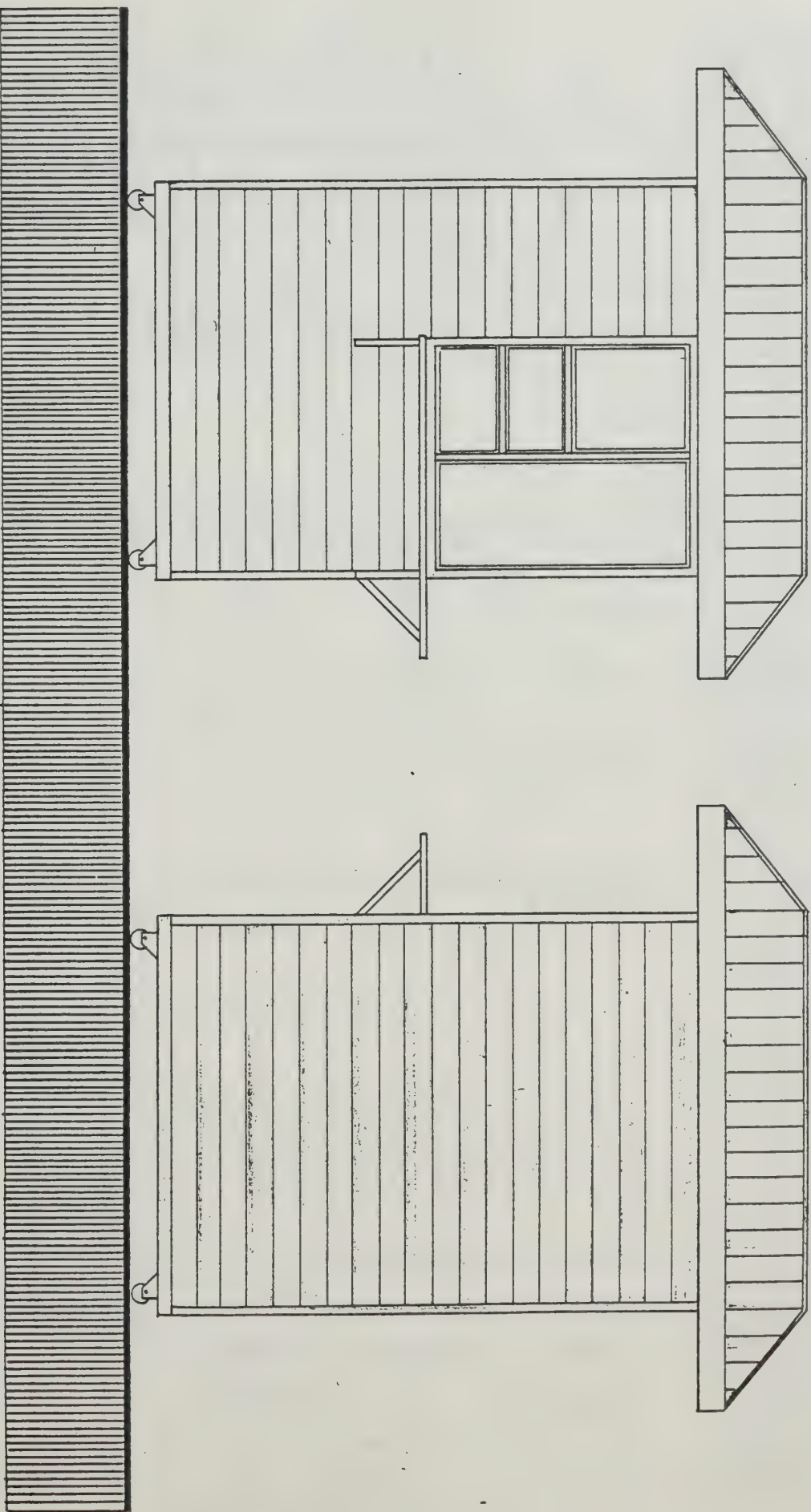
CONSTRUCTION TO BE TYPICAL
TWO BY FOUR WOOD FRAMING
AT 16" O.C. WITH 1/2" ASPENITE
AND 4" T&G WOOD CLADDING
PAINTED FINISH AS SHOWN.



Sausages Of The World

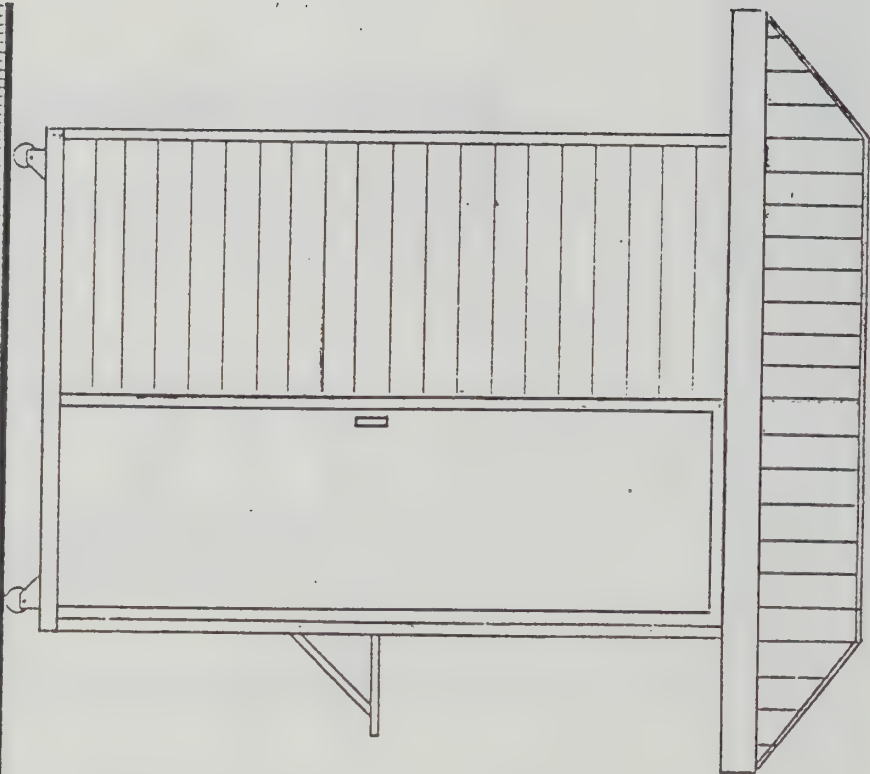
SOUTH ELEVATION

NORTH ELEVATION

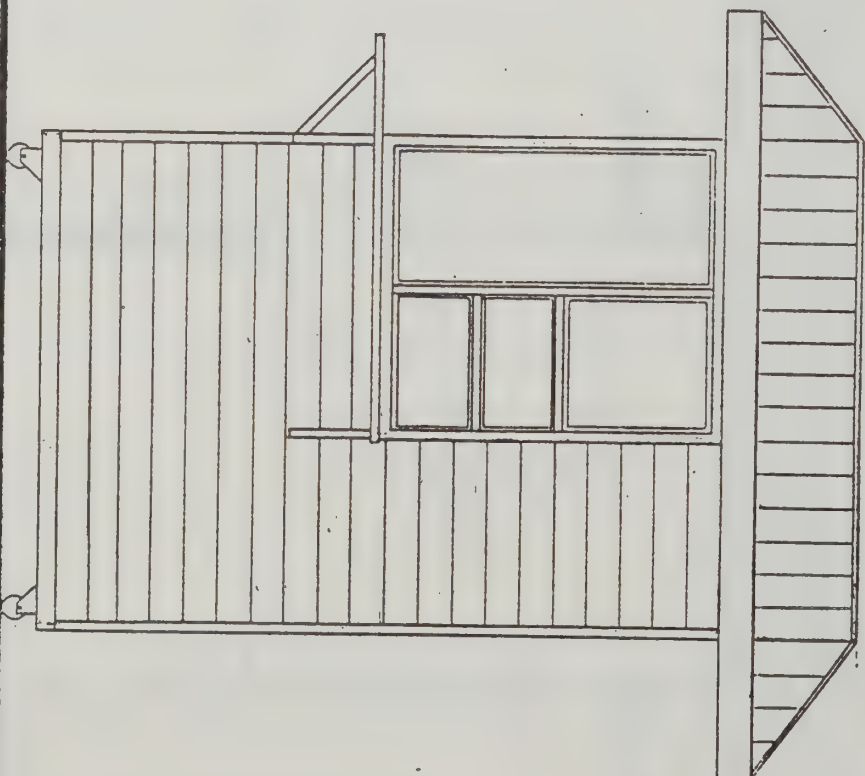


Sausages Of The World

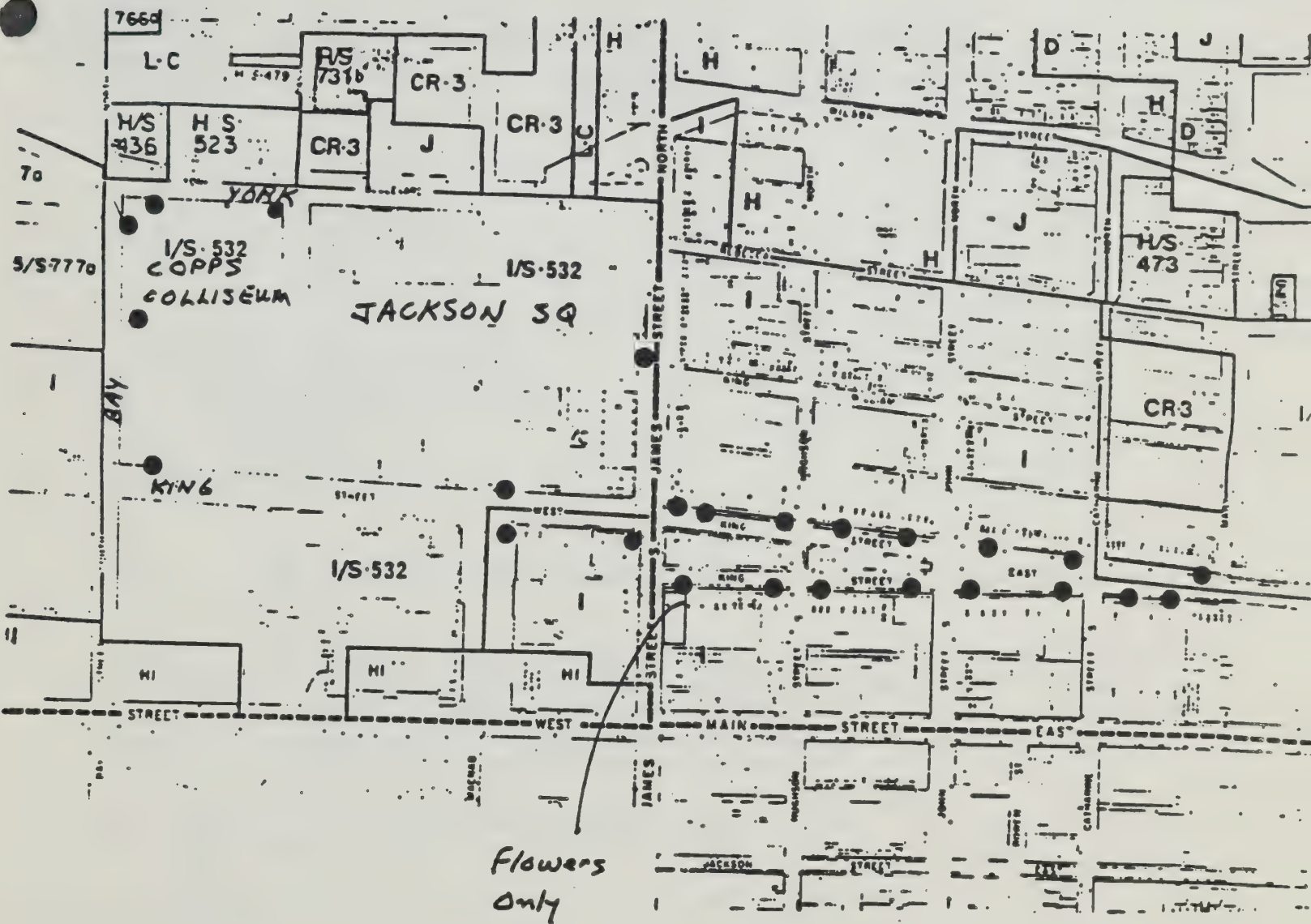
EAST ELEVATION



WEST ELEVATION



Sausages Of The World



POTENTIAL VENDOR LOCATION
SHOWN AS "O"

- PERMITS ISSUED LAST YEAR, 1ST RIGHT TO THOSE BUSINESSES IF THEY DO NOT REAPPLY & RENEW THEN THEY BECOME AVAILABLE IN PRIORITY -
- 1. DOWNTOWN BUSINESS
- 2. ANY HAMILTON "
- 3. RESIDENTS



The City of Stoney Cr

777 Highway No. 8, Box 9940, Stoney Creek, Ontario L8G 4N1
Telephone (416) 643-1261 Telecopier (416) 643-6161

9(a)

RECEIVED

March 7, 1989

MAR -18 1989

CITY CLERKS

The Honourable Brian Mulroney
Prime Minister of Canada
309 - S Centre Block
House of Commons
Ottawa, Ontario
K1A 0A6

RE: City of Stoney Creek Resolution - Bill 178 - Minority Language Rights

Council at its meeting held Tuesday, February 28, 1989 enacted the attached Resolution No. 6-8-89, requesting the Prime Minister of Canada and the Premier of Ontario to condemn the action of Quebec Premier Robert Bourassa in denying the basic and fundamental rights to non-Francophone Quebec residents by disregarding the rulings of the Supreme Court of the Province of Quebec.

The Council, as the Resolution indicates is very concerned with the imposition of the "notwithstanding" clause inherent in Bill 178.

Your early attention to this matter will be greatly appreciated.

J. A. Brezina, A.M.C.T.
City Clerk

/rc
attach

c.c. Honourable Robert Bourassa, Premier of Quebec
Honourable Shirley Martin, M.P., Lincoln
Shirley Collins, M.P.P. Wentworth East
Municipalities in Hamilton-Wentworth Region
Regional Municipality of Hamilton-Wentworth
Association of Municipalities of Ontario
Federation of Canadian Municipalities

THE CORPORATION OF THE CITY OF STONEY CREEK

RESOLUTION NO. 6-8-89

SESSION: February 28, 1989

MOVED BY Deputy Mayor B. Hodgson

SECONDED BY Councillor J. Copland

WHEREAS this Council is deeply concerned with the imposition of the "notwithstanding" clause inherent in the legislation known as Bill 178, which has been enacted by the Legislature of the Province of Quebec, and

WHEREAS such action circumvents the authority and intent of the judicial system by overriding the decision of the Supreme Court of the Province of Quebec, and

WHEREAS this action has denied basic rights to 800,000 Quebec residents, of many national origins, who choose to speak the English language and desire to retain their right to erect signs in English on their places of business and other properties used for social, cultural and recreational purposes, and

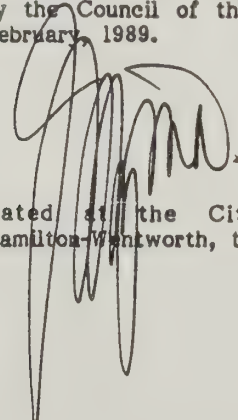
WHEREAS the other provinces of Canada have extended many rights which Francophones have not previously enjoyed;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Council of the Corporation of the City of Stoney Creek hereby reaffirms its support of minority language rights.
2. The Prime Minister of Canada and the Premier of Ontario be urged, in their Meech Lake discussions, to condemn the action of Quebec Premier Robert Bourassa in denying the basic and fundamental rights to non-Francophone Quebec residents by disregarding the rulings of the Supreme Court of the Province of Quebec.
3. A copy of this resolution be circulated to the Prime Minister of Canada, Honourable Brian Mulroney; the Premier of Ontario, Honourable David Peterson; the Premier of Quebec, Honourable Robert Bourassa; Honourable Shirley Martin, M.P., Lincoln; Shirley Collins, M.P.P., Wentworth East; the municipalities within the Hamilton-Wentworth Region; Association of Municipalities of Ontario; Federation of Canadian Municipalities.

SIGNED: S. NAPPER
Mayor

I, Joseph A. Brezina, Clerk for the Corporation of the City of Stoney Creek, hereby certify that the foregoing represents a true copy of Resolution No. 6-8-89, passed by the Council of the Corporation of the City of Stoney Creek on the 28th day of February, 1989.


Dated at the City of Stoney Creek, in the Regional Municipality of Hamilton-Wentworth, this 7th, day of March, 1989.

FOR ACTION

9(6)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

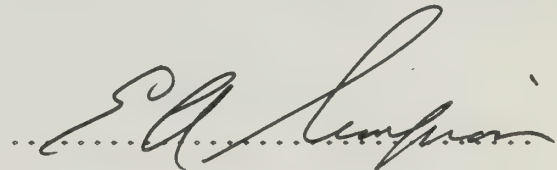
DATE: 1989 March 15
COMM FILE:
DEPT FILE:

SUBJECT:

Town of Iroquois Falls.

RECOMMENDATION:

That the attached resolution from the Town of Iroquois Falls petitioning the Province to provide funding to assist municipalities to retrofit municipal administrative facilities to provide equal access to all persons, be endorsed.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

In the absence of financial assistance from the Province, funds available for this purpose will be rather limited.

BACKGROUND:

Mr. D. W. Vyce, Director of Property concurs with this proposal.

THE CORPORATION OF THE TOWN OF IROQUOIS FALLS

DATE November 7, 1988

RESOLUTION NO. 88-394

AGENDA ITEM NO. 9(f)

MOVED BY:

Celest Joseph

SECONDED BY:

Jim Graham

WHEREAS

Amendments to the Ontario Human Rights Code proclaimed April 18, 1988, stipulates that employers, landlords and people who provide goods and services to the public must reasonably accommodate persons with special needs resulting either from handicap or other prohibited ground of discrimination;

AND WHEREAS

The Honourable Remo Mancini, Minister Responsible for Disabled Persons, by way of letter dated July 27, 1988, has advised that "With the recent proclamation of amendments to the Ontario Human Rights Code, municipalities will be required to provide equal access to services and facilities for all residents;

AND WHEREAS

The said Minister has also, by way of letter dated September 20, 1988 advised that "I regret to inform you that there are no provincial grants specifically for the retrofit of municipal administrative facilities;

AND WHEREAS

The cost of the retrofit required under the amendment to the Ontario Human Rights Code may, in many instances, impose substantial financial burdens on the taxpayers of the municipality, especially smaller municipalities.

NOW THEREFORE BE IT RESOLVED THAT:-

1. The Province of Ontario be petitioned to provide funding to assist municipalities to retrofit municipal administrative facilities to provide equal access to all persons.
2. Copies of this resolution be forwarded to:-
 - Honourable David Peterson, Premier of Ontario
 - Honourable Robert Nixon, Treasurer
 - Honourable Remo Mancini, Minister Responsible for Disabled Persons
 - Honourable Gerry Phillips, Minister of Citizenship and Minister Responsible for the Human Rights Commission
 - Alan Pope, M.P.P. Cochrane-South
 - N.E.O.M.A.
 - F.O.N.O.M. - all municipalities in Ontario
 - A.M.O.

☒ CARRIED

☐ DEFEATED

John J. Buchan
MAYOR (ACTING CHAIRMAN)

RECORDED VOTE

FOR

AGAINST

CERTIFIED TRUE COPY

John J. Buchan
CLERK

TOWN OF IROQUOIS FALLS

DECLARATION CONFLICT OF INTEREST

DISCLOSED HIS (THEIR) INTEREST(S), VACATED HIS (THEIR) SEAT(S)
ABSTAINED FROM DISCUSSION AND DID NOT VOTE ON THIS QUESTION

CLERK

10.

Corporation of the City of H

Memorandum

TO: Mr. John Thompson, Secretary
Legislation Committee

YOUR FILE:

FROM: Mrs. S. Glover, Secretary
Mayor's Race Relations Committee

OUR FILE:
PHONE:

3993

SUBJECT: Plaque Inscriptions

DATE: 1989 March 7

At its meeting held 1989 February 22, the Mayor's Race Relations Executive Committee discussed the invitation of the Legislation Committee to "assist, on a voluntary basis, in an advisory capacity by reviewing the inscriptions of future plaques and submitting comments and/or recommendations before a final decision is made by the Legislation Committee and City Council".

The Committee thanks the Legislation Committee for their invitation and advises that the Mayor's Race Relations Committee is available to assist in this regard whenever the Legislation Committee wish to refer material to them.

Stella Glover

SG/jc

cc: Mayor R.M. Morrow, Co-Chairman
Mayor's Race Relations Committee
Professor H. Jain, Co-Chairman
Mayor's Race Relations Committee
Mr. D. Carson, Mayor's Executive Assistant

FOR ACTION

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1989 March 15
COMM FILE:
DEPT FILE:

SUBJECT:
FCM 52nd Annual Conference.

RECOMMENDATION:

That the Mayor and a maximum of three (3) Aldermen be authorized to attend the 52nd Annual Conference of the Federation of Canadian Municipalities to be held in Vancouver, British Columbia, 1989 June 09 to June 12.

..........

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approximately \$1 800 per person. Funding available in the Legislative Travelling Account.

BACKGROUND:

The above recommendation is consistent with the approved recommendation for attendance at the 1988 conference.

5. RESOLUTION - TOWN OF PARIS

Regarding a proposal to charge Cable T.V. Companies a tax based on their gross receipts

6. RESOLUTION - TOWN OF OAKVILLE

Seeking support in requesting Provincial/Federal Grants to fund a research program regarding Canada Geese Over-Population.

7. USE OF CITY HALL FACILITIES

Senior Citizens Month

8. NEW BUSINESS9. ADJOURNMENT

OUTSTANDING ITEMS

LEGISLATION COMMITTEE

	<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
1.	Review Civic Award Policy and Regulations	1988 December 05	Legislation Committee	Report to Follow
2.	Public Review of New Second Level Lodging House By-law	1989 January 19	Legislation Committee	Public Meeting 1989 May 01
3.	Policy for Special and Public Meetings	1989 January 23	Staff	Report to Follow
4.	Policy for Use of Council Chambers	1989 January 23	Staff	Report to Follow
5.	Police Report on Licencing Function	1989 January 23	Regional Police	Report Pending
6.	General Public Review of Licencing By-law No. 79-323 Re Taxis and Livery Vehicles	1989 January 23	Ad Hoc Sub-Committee	Review Proceeding
7.	Regionalization of Bingo Lottery Licences	1989 January 23	Licencing Committee	Report to Follow
8.	Transient Vendors	1989 March 20	Manager, Licencing Division	Report to Follow

cc. Mr. John Thompson, Secretary - Legislation Committee from Mayor
Bob Morrow, January 30th, 1989

JAN 30 1989

The Independent Order of Foresters

JAN 27 1989

789 Don Mills Road

Don Mills, Ontario, Canada M3C 1T9

January 24, 1989

A.

Mayor Robert M. Morrow
71 Main St. West
Hamilton, ON
L8N 3T4

Dear Mayor Morrow:

Child abuse is a widespread human tragedy that affects us all. Today's children represent the future. It is our duty and responsibility to protect our children and thereby protect our future.

As the President of The Independent Order of Foresters, I am urging you to help prevent child abuse within your community.

The IOF is one of the oldest and largest fraternal benefit societies in the world, with international headquarters in Toronto. Our organization is deeply concerned about child abuse and its prevention.

The City of Sudbury has made remarkable progress in generating awareness about the problem of child abuse by creating a Child Abuse Prevention Month. This program is the beginning of an IOF vision that would eventually see similar programs in every community across Canada.

We have prepared a video and information kit on the Sudbury program which we would like you to view.

A local IOF representative will be in touch with you shortly to determine when it would be convenient to set up a brief meeting with you or a member of your staff to view the tape.

Thank you for your attention, and I hope you will join the fight for a better tomorrow.

Sincerely,

Leetate Smith

Leetate Smith
President

Monday, 1989 March 20
9:30 o'clock a.m.
Room 233, City Hall

The Legislation Committee met.

There were present: Alderman V. J. Agro, Chairman
Alderman M. Kiss, Vice-Chairman
Mayor R. M. Morrow
Alderman D. Drury
Alderman G. Copps
Alderman T. Jackson
Alderman H. Merling
Alderman D. Ross

Absent with Regrets: Alderman F. Lombardo, Vacation

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. E. A. Simpson, City Clerk
Mr. K. E. Avery, Deputy City Clerk
Mr. S. J. Dembe, Manager, Licencing Division
Mr. D. Barrow, Licencing Division
Mr. P. Hooker, City Solicitor's Office
Ms. L. Lawrence, City Solicitor's Office
John Thompson, Secretary

1. TRANSIENT VENDORS

A public meeting was held to receive input regarding transient vendors.

The Committee had before it a staff report dealing with the impact that transient vendors have on established businesses within the City. The report contained a number of recommendations which would have the effect of giving the City greater control over the regulation of transient vendors.

Mr. Bill Wear, President, Wear's Florist, 1814 King Street East, was in attendance to express his concern regarding transient vendors.

He explained that the vendors move into the City primarily at Easter and Mother's Day and pay their \$500 fee and set up shop. This situation hurts all flower shops and garden centre businesses. He also pointed out that it is not unusual for the vendor's customer to come into their shop and seek advice about their purchase and to ask them to "dress-up" their plant and the procedure to maintain it. He submitted that the problem is getting out of hand and hopefully a successful resolution can be reached in this matter.

Mr. Bill Dalton of Jeans' Flower Shop, 509 Upper Wellington Street, was also in attendance and submitted that the City should take action to curtail the activities of the transient vendors.

He submitted that the transient vendors contribute nothing to the well being of the City. They erect hand-painted signs attached to telephone poles, sell poor-quality product and if the customer has a problem, the vendors are gone before they can come back to complain about the product itself. He recommended that the City take serious action to prevent street vending in the City of Hamilton.

Mr. John Jaskula, Solicitor, appeared before the Committee on behalf of his client, Mr. Ronald Van Impe who is presently licenced as a transient trader in the City of Hamilton.

Mr. Jaskula submitted that it is not necessary to amend or change the Licencing By-law which provides for the licencing, regulating and governing of transient traders. He recommended that inspections be carried out more frequently to ensure that licencing by-law infractions are not taking place.

Mr. Leonard Alboini and Mrs. Florence Urban, Transient Vendors, were in attendance in support of the present City By-law.

Following considerable discussion, the Committee directed that the Manager of the Licencing Division make the necessary arrangements to carry out inspections during the Easter weekend at the various transient vendor locations throughout the City to ensure that licencing by-law infractions are not taking place and for the purpose of identifying any licencing concerns.

Direction was also given that Mr. Dembe report back to the Legislation Committee at its first meeting following the Easter weekend (April 03) advising of any by-law infractions and outlining any enforcement/licencing concerns.

At the request of Alderman Murray, the Committee agreed to carry out an inspection of the lot at the northwest corner of Upper James and Mohawk Road to make sure that the operator at that location is complying with the Licencing By-law.

2. MINUTES

The minutes of the meeting of the Legislation Committee held Monday, 1989 March 06 were received and approved as circulated to the members.

3. ACCOUNT DETAILS - 1989 ESTIMATES

As outlined in a report of the Treasurer dated 1989 March 01, the Committee approved the following recommendations.

(a) That the "Legislative - Motor Vehicle Operation" function estimates for 1989 be corrected resulting in a decrease of \$15 760 to the 1989 Estimates.

(b) That no adjustment be made to the 1989 Estimates for "Administration - Benefits" in the City Clerk's Department budget.

Alderman Copps was recorded as opposed to the budget for the Motor Vehicle Operation.

4. 1989 CURRENT BUDGET ESTIMATES AND RANKED PACKAGES

The Committee was in receipt of a report of the Treasurer dated 1989 March 15 advising that City Council at its meeting held 1989 March 10 referred the ranked packages to the Standing Committees for further consideration.

Mr. Matthews is recommending a 9.4% mill rate increase which would be achieved by not funding those packages between 91 to 151 of the global ranked packages which were presented to Council on March 10. The 9.4% funding line will result in a further \$14 060 reduction to the expenditures of the City Clerk's Department. If accepted, the Legislation Committee expenditure increase would be 6.7%. This process has the concurrence of the Management Team and specifically the Department Head who report to the Committee.

Following consideration, the Committee approved the following deletions.

Package 63 - Automobile for "No Smoking" By-law Inspector - \$11 000

Package 130 - Paper Supply Room - Installation
of Double Doors - \$ 2 100

Package 136 - Farmers Market Office - Drapes and Carpet \$ 2 500

Total Reductions \$15 600 which represents 6.7% increase over the 1988 Estimates.

5. TASK FORCE TO REVIEW THE MANDATE AND STRUCTURE
OF THE HAMILTON HARBOUR COMMISSIONERS

As outlined in a report of the Chief Administrative Officer dated 1989 March 10, the Committee agreed to submit the following recommendations to City Council for approval.

- (a) That City Council petition the Federal and Provincial Government to study the matter of boating safety and the operators' knowledge and ability to perform safely in and through Ontario's waterways by instituting a system of testing and licencing operators of vessels over 10 h.p.
- (b) That the Federation of Canadian Municipalities and the Association of Municipalities of Ontario be notified of this petitioning.
- (c) That adherence to Section 20, Sub-section 2 of the Hamilton Harbour Commissioners' Act which reads:

"No By-law shall have force or effect until confirmed by the Governor in Council and published in The Canada Gazette, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the City Clerk of Hamilton"

be carried out as intended.

- (d) That the City Clerk advise City Council when By-laws are received and that such By-laws be referred to the appropriate Committee of City Council for their information and discussion.
- (e) That the 10 day notification period be monitored by the City Clerk to determine its appropriateness.
- (f) That City Council petition the Federal Government to amend the Hamilton Harbour Commissioners' Act as follows:
 - (i) increase the membership from 3 to 5 members;
 - (ii) that 3 members be appointed by the Federal Government, and 2 members by the Hamilton City Council.
 - (iii) that Sub-section 4 of Section 6 of the Act which reads:

"no members of the Council shall be eligible to be a commissioner"

be repealed.
 - (iv) that the two members appointed by Hamilton City Council referred to in Recommendation (ii) above, consist of at least one person who is not a member of Hamilton's City Council.

6. ONTARIO TEACHERS' FEDERATION

The Committee agreed to submit the following recommendation to City Council for approval.

That, if required, the Ontario Teachers' Federation be authorized to use the City Hall forecourt for crowd control purposes in connection with a rally of Ontario teachers to take place on Saturday, 1989 April 01.

7. MAYOR'S RACE RELATIONS COMMITTEE

As outlined in a report from the Mayor's Race Relations Committee dated 1989 March 14, the Committee agreed to present the following recommendation to City Council.

That approval be given for the Mayor's Race Relations Committee to use the Council Chambers on Monday, 1989 April 24 at 7:00 p.m. for a symposium entitled "Police and Racial Minorities".

8. CANADIAN SOCIETY OF SAFETY ENGINEERING

As outlined in a report of the City Clerk dated 1989 March 15, the Committee agreed to submit the following recommendation to City Council.

That the request of the Canadian Society of Safety Engineering for permission to use the City Hall foyer to display posters produced by local students during Canadian Occupational Health and Safety Week which occurs 1989 June 18 to June 24, be approved.

9. CROATIAN NATIONAL CONGRESS, HAMILTON BRANCH

As outlined in a report of the City Clerk dated 1989 March 15, the Committee agreed to submit the following recommendation to City Council.

That approval be given to the request of the Croatian National Congress, Hamilton Branch to use the Council Chambers on Saturday, 1989 May 20 from 11:00 a.m. to 12:00 noon for a ceremony in commemoration of the Croatian Holocaust victims killed at Bleiburg, Austria.

10. INTERFAITH COUNCIL FOR REFUGEES

As outlined in a report of the City Clerk dated 1989 March 15, the Committee agreed to submit the following recommendation to City Council for approval.

That permission be granted to the Interfaith Council for Refugees to use the Council Chambers for a proclamation ceremony on Tuesday, 1989 April 04 from 6:15 p.m. to 7:20 p.m. on the occasion of Refugee Day.

11. ST. JOHN AMBULANCE

As outlined in a report of the City Clerk dated 1989 March 15, the Committee agreed to submit the following recommendation to City Council for approval.

That approval be given to the request of St. John Ambulance to fly the St. John flag at City Hall during the week of 1989 May 28 to 1989 June 03 to mark the declaration of "St. John Week in Hamilton".

12. CANADIAN SLOVAK LEAGUE, BRANCH 11

As outlined in a report of the City Clerk dated 1989 March 15, the Committee approved the request of the Canadian Slovak League, Branch 11 to the Slovak flag at City Hall during the week of 1989 March 19 to 1989 March 24 in celebration of the 50th Anniversary of the proclamation of the Slovak Republic.

13. GALAXY CONTEST PROMOTIONS, REQUEST TO USE THE NAME "HAMILTON"

The Committee was in receipt of an application from Galaxy Contest Promotions, St. Catharines requesting permission to use the name "Hamilton" in a swimwear pageant to be held in the City of Hamilton sometime in June or July 1989.

Following consideration, the application from Galaxy Contest Promotions was denied.

14. HAMILTON FARMERS' MARKET SUB-COMMITTEE

The Committee was in receipt of a letter from Alderman D. Agostino advising that he would be will to serve on the Hamilton Farmers' Market Sub-Committee.

Following consideration, the Committee approved of the appointment of Alderman H. Merling to the Hamilton Farmers' Market Sub-Committee.

15. 1989 STREET VENDOR'S PERMIT - GRAPES & THINGS RESTAURANT

The Committee was in receipt of a report of the Manager of the Licencing Division dated 1989 March 14 recommending that a Street Vendor's Permit be issued to Grapes & Things Restaurant for the sale of food at the southwest corner of King and James Streets (C.I.B.C.) for 1989.

This item was deferred to the next meeting of the Committee.

16. RESOLUTION, CITY OF STONEY CREEK, BILL 178 - MINORITY LANGUAGE RIGHTS

The Committee agreed to recommend to City Council that the following resolution from the City of Stoney Creek regarding Bill 178, be received.

WHEREAS this Council is deeply concerned with the imposition of the "notwithstanding" clause inherent in the legislation known as Bill 178, which has been enacted by the Legislature of the Province of Quebec, and

WHEREAS such action circumvents the authority and intent of the Judicial system by overriding the decision of the Supreme Court of the Province of Quebec, and

WHEREAS this action has denied basic rights to 800 000 Quebec residents of many national origins who choose to speak the English language and desire to retain their right to erect signs in English on their places of business and other properties used for social, cultural and recreational purposes, and

WHEREAS the other provinces of Canada have extended many rights which Francophones have not previously enjoyed;

NOW THEREFORE BE IT RESOLVED THAT

(1) The Council of the Corporation of the City of Stoney Creek hereby reaffirms its support of minority language rights.

(11) The Prime Minister of Canada and the Premier of Ontario be urged, in their Meech Lake discussions, to condemn the action of Quebec Premier Robert Bourassa in denying the basic and fundamental rights to non-Francophone Quebec residents by disregarding the rulings of the Supreme Court of the Province of Quebec.

- (111) A copy of this resolution be circulated to the Prime Minister of Canada, Honourable Brian Mulroney; the Premier of Ontario, Honourable David Peterson; the Premier of Quebec, Honourable Robert Bourassa; Honourable Shirley Martin, M.P., Lincoln; Shirley Collins, M.P.P., Wentworth East; the municipalities within the Hamilton-Wentworth Region; Association of Municipalities of Ontario; Federation of Canadian Municipalities.

17. RESOLUTION - TOWN OF IROQUOIS FALLS

The Committee agreed to recommend to City Council that the following resolution from the Town of Iroquois Falls petitioning the Province to provide funding to assist municipalities to retrofit municipal administrative facilities to provide equal access to all person, be endorsed.

WHEREAS amendments to the Ontario Human Rights Code proclaimed April 18, 1988, stipulates that employers, landlords and people who provide goods and services to the public must reasonably accommodate persons with special needs resulting either from handicap or other prohibited ground of discrimination;

AND WHEREAS the Honourable Remo Mancini, Minister Responsible for Disabled Persons, by way of letter dated July 27, 1988, has advised that "With the recent proclamation of amendments to the Ontario Human Rights Code, municipalities will be required to provide equal access to services and facilities for all residents";

AND WHEREAS the said Minister has also, by way of letter dated September 20, 1988 advised that "I regret to inform you that there are no provincial grants specifically for the retrofit of municipal administrative facilities";

AND WHEREAS the cost of the retrofit required under the amendment to the Ontario Human Rights Code may, in many instances, impose substantial financial burdens on the taxpayers of the municipality, especially smaller municipalities.

NOW THEREFORE BE IT RESOLVED THAT:-

The Province of Ontario be petitioned to provide funding to assist municipalities to retrofit municipal administrative facilities to provide equal access to all persons.

18. PLAQUE INSCRIPTIONS

The Committee received a memorandum from the Mayor's Race Relations Committee dated 1989 March 07 advising that the Committee is available to assist the Legislation Committee in an advisory capacity by reviewing the inscriptions of future plaques and submitting comments and or recommendations before a final decision is made by the Legislation Committee and City Council.

19. FCM - 52 ANNUAL CONFERENCE

This item was deferred to the next meeting of the Committee.

The meeting then adjourned.

Taken as read and approved,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1989 March 20

Typed by M. J. Walton

MEMORANDUM • CITY OF HAMILTON

2.

TO : Steve Dembe, Manager
Licence Division

YOUR FILE:

FROM : Douglas Rose
Licence Inspector

OUR FILE :

SUBJECT : **Flower Vendors - Easter Weekend**

DATE : 29 March 1989

Inspectors made routine checks of all flower vendors working the Easter weekend of March 24, 25 and 26th, 1989. Five inspectors worked fifty-seven (57) hours of overtime during the three days. Approximately 112 locations were inspected.

The following is an approximate break down of the vendors inspected:

A Licensed Transient Traders

1. Richard Urban	18 locations
2. George Sharples	2 "
3. Leonard Alboine	16 "
4. Sandra Buffet	4 "
	<u>40</u>

B Established Business on Assessment Roll

1. Sun Studio (1231 Main Street East) 33 locations
2. 32 Existing Florists & Variety Stores - Flowers located immediately in front of their business.

C Foot Pedlar's Licences - flowers

Foot Pedlar means a person who goes from place to place or to a particular place with goods for sale.

1. Impressions - Robert Johnson	1 location
2. Jason Chamberland	<u>1</u> "
	2

D Unlicensed Vendor - Charges Pending (Pat Bush)

1. Plants Plus operated by John Cribbs of 15 Proctor Blvd.

On March 23rd Cribbs had a stand set up at King and Ottawa

March 24 & 25

1. Upper Gage and Crockett
2. Ottawa and King
3. 954 King Street East

Additional Locations: March 25th - 15 Wellington Street North
(outside flea market)

Additional Locations (cont'd)

March 26th - had above stands plus a fourth at
29 Linden St (Steel City Flea
Market)

Five (5) locations

All 112 locations were originally checked on March 24 and were rechecked March 25 & 26th, 1989.

The two problems common to all vendors was:

- (a) the apparent violation of the City/Regional Road Allowance By-law, approximately 90% of all vendors were encroaching on the City/Regional road allowance.
- (b) use of gas stations to set up their stands (Municipal Act, Section 210, Sub-section 151b - see attached). Forty (40) of the vendors were set up on gas station lots.

The Licence Department had received several complaints about the age of the children selling the flowers. One caller also expressed concern about: minimum wages, their children were being paid (\$35.00/day), the lack of washroom facilities, having to work in poor weather conditions and the hours of operation.

The average age of employees interviewed was 14 to 15 years of age with some as young as 12. There seemed to be an even split in the number of females and males working. The hours of operation ranged from 8:30 a.m. till approximately 6:00 p.m.

DR/lm

Automobile
service
stations in
restricted
areas

151. For licensing, regulating and governing the owners or keepers of automobile service stations located or erected within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations is prohibited by a by-law, and for fixing a fee not exceeding \$10 for such licence, and for providing that a licence shall not be granted to any person as an owner of a public garage located or erected within any such area or on any such land notwithstanding that prior to the passing of this section any such person may have been granted a licence as the owner of a public garage.

- (a) For the purposes of this paragraph, an automobile service station means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.
- (b) No person owning or keeping an automobile service station licensed under this paragraph shall use or permit it to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or, except in an enclosed building, for washing motor vehicles, or for vulcanizing tires or tubes or for exhibiting for sale any accessories mentioned in clause (a) except in an enclosed building, or for exhibiting the same for sale in any display window, or for performing therein any repairs to motor vehicles other than those mentioned in clause (a), or for storing and keeping for sale any article, accessory or merchandise of any kind other than those expressly mentioned in clause (a) hereof, and it is the duty of such owner or keeper to prevent the use of an automobile service station for any such prohibited purpose.
- (c) The owner or keeper of an automobile service station guilty of any infraction of any of the provisions of clause (b) is subject to the penalties set forth in the by-law permitting the location or erection thereof or the licensing of the same as for an infraction of such by-law.

FOR ACTION

3.

REPORT TO: J. D. Thompson, Secretary
Legislation Committee

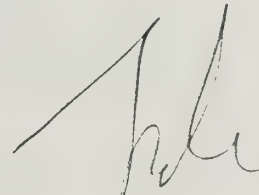
FROM: S. J. Dembe, Manager
Licensing Division

DATE: March 14, 1989
COMM FILE:
DEPT FILE:

SUBJECT: 1989 Street Vendor's Permit
Grapes & Things Restaurant, 103 King St. E.
Mr. Paul Pappas

RECOMMENDATION: That a Street Vendor's Permit be issued to Grapes & Things Restaurant for the sale of food at the south-west corner of King & James Streets (C.I.B.C.) for 1989.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)



N/A

BACKGROUND: Attached is a copy of the by-law respecting the street vendor's program, all correspondence related to this matter, including copies of the original application, letter of approval from this office, letters of objection/concern from the Developers of the site, Staff replies and scale drawings of the proposed stand.

This matter is being brought to the attention of the Committee almost three years after approval was given by City Council on May 13th, 1986. The site was not available for use until 1988 as the building was under construction previously. The applicant was, however, willing to wait until the building was completed before proceeding with his proposal.

Although the permit has been approved, it has been the policy of the Legislation Committee to authorize the actual design, size, type of food for sale and specific location for placement of the stand before issuing the permit.

The Street Vendor's Program has the support of the Downtown B.I.A. This particular location, along with approximately twenty others in the downtown core (see attached map), was identified as being suitable for street vendor's stands by the former City Architect, Mr. D. Freeman. There was also input by the former Street Vendors Sub-Committee.

We suggest that the permit be issued subject to resolution of the concerns expressed by the Developer.

SJD/be

The Corporation of the City of Hamilton

BY-LAW NO. 85- 66

Respecting:

STREET VENDORS

WHEREAS section 210, paragraph 65 of The Municipal Act, R.S.O. 1980, Chapter 284 provides that by-laws may be passed,

105. For prohibiting persons from soliciting or importuning, on a highway or in a public place, others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house or for regulating persons so employed.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area;

AND WHEREAS section 210, paragraph 66 of the said Act provides that by-laws may be passed,

66. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

- (a) A by-law passed under this paragraph may be made applicable to the whole of the municipality or to any defined areas thereof;

AND WHEREAS subsection 230(3), paragraph 3 of the said Act provides that by-laws may be passed,

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof;

AND WHEREAS section 309, paragraph 3 of the said Act provides for the passing of by-laws for permitting the use of highways by persons as may be agreed upon, specifying terms and conditions and making annual or other charges for the privilege, and requiring restoration of the highway upon the termination of the privilege.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,

- (a) "Agreement" means an agreement between the City and a person applying for a street vendor's Permit;
- (b) "applicant" means a person applying for permission to use the highway as a street vendor;
- (c) "Architect" means the City Architect;
- (d) "City" means the City of Hamilton;
- (e) "Commissioner of Engineering" means the Commissioner of Engineering of The Regional Municipality of Hamilton-Wentworth;
- (f) "committee" means the Transport and Environment Committee;
- (g) "Director of Public Works" means the Director of Public Works of the City;
- (h) "goods" means goods listed in the Agreement;
- (i) "Issuer of Licences" means the Issuer of Licences under By-law No. 79-323 and any inspector referred to therein;
- (j) "lot" means vacant lot adjacent to a highway;
- (k) "part of the highway" means a sidewalk or boulevard;
- (l) "Permit" means a document issued by the City permitting a street vendor to occupy a part of a highway by a stand;
- (m) "Regional Municipality" means The Regional Municipality of Hamilton-Wentworth;
- (n) "service" means a service provided by performing artists as described in the Agreement, other than the sale of goods at a stand;
- (o) "service site" means the location on a highway where services are provided for sale by retail and includes one or more seats for use in conjunction therewith;
- (p) "stand" means a portable stall or booth on a highway where goods are exposed or offered for sale by retail and includes one or more seats for use in conjunction therewith;
- (q) "street vendor" means a person who operates a stand or provides a service.

2. (1) Every applicant shall attend at the office of the Issuer of Licences and make and file an application in FORM 1 for an Agreement in FORM 2 in respect of stands and in FORM 3 in respect of service, with the City and for a Permit in FORM 4 and pay a fee or other charge per annum.

(2) Notwithstanding subsection 1, the City may amend the Agreements upon such terms and conditions as the City may require.

3. (1) Every applicant for a stand shall be a person whose name appears on the last revised assessment roll of the City or the assessment roll, as amended.

(2) No Agreement shall be entered into and no Permit issued to a person whose name does not appear on the assessment roll.

4. Every applicant for a stand shall, in addition to any other information required under this by-law, with his application provide a list of the goods to be sold at the stand.

5. (1) Every applicant for a stand shall, prior to entering into an Agreement, provide the Issuer of Licences and the Architect with the following:

1. Design, size and colour of the stand.
2. Construction details and material used.

(2) Every design shall provide for a storage space within the stand.

(3) No Agreement shall be entered into and no Permit issued where the committee is not satisfied with the design, size, colour, construction and material to be used.

6. (1) Notwithstanding any application made for a stand, no Agreement shall be entered into and no Permit issued except in the following order:

1. An Agreement may be entered into and a Permit issued to an applicant for a stand carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by any other applicant.
2. Where the person carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by an applicant does not apply for a stand, an Agreement may be entered into and a Permit issued to an applicant carrying on the closest similar type of business in the area of the location of the proposed stand.
3. Where a person carrying on the closest similar type of existing permanent business that is,

- (i) the least distance from the location of the stand proposed by any other applicant, or

(ii) in the area of the location
of the proposed stand,

does not apply for a stand, an Agree-
ment may be entered into and a Permit
issued to an applicant who complies
with section 3.

7. (1) Every applicant for a service site shall, in ad-
dition to any other information required by this by-law,
with his application provide a description of the service
to be provided.

(2) No Agreement shall be entered into and no Permit
issued where the committee is not satisfied with the ser-
vice proposed to be provided.

8. Every Agreement entered into shall be upon such
terms and conditions as the City may require.

9. No Permit shall be issued without prior execution
of an Agreement by the City.

10. Every Agreement shall list the goods or services
provided.

11. No Agreement shall be entered into by the City
where the committee is satisfied that the information re-
ferred to in section 4 and in subsection 7(1) has not been
provided.

12. Every Agreement and every Permit shall expire on the
date set out in the Agreement.

13. The highways referred to in Schedule "A" are desig-
nated as highways respecting which Agreements may be entered
into and Permits issued.

14. Every Agreement shall designate the highway and lo-
cation thereon which a street vendor shall use for his or her
stand or service.

15. Every street vendor who operates a stand shall comply
with the following regulations:

1. Not use part of the highway other than
the part of the highway for which a Per-
mit has been issued.
2. Not use the highway for storage of art-
icles not immediately for sale, except
in the storage space within the stand.
3. Not use the highway for other than the
operation of the stand.
4. Not use signs, advertising devices or

other means of advertising and content thereof that are not attached to the stand.

5. Affix the Permit to the stand in a manner and position approved by the Issuer of Licences.
 6. Relocate the stand at his or her own expense to any other part of the highway as may be required by the City upon direction of the Issuer of Licences.
 7. Remove the stand and goods at his or her own expense, immediately,
 - (a) as may be required by the City;
 - (b) upon expiry of the Permit.
 8. Permit the Director of Public Works and the Commissioner of Engineering to enter upon the part of the highway upon which the stand is located for the purpose of public works.
 9. Permit the Issuer of Licences to enter upon the part of the highway upon which the stand is located for the purpose of inspecting the stand, its content and any goods exposed or offered for sale.
 10. Keep and maintain at all times at his or her own expense, the part of the highway on which the stand is located and in the vicinity thereof, in a clean, sanitary and attractive condition, free from all paper, rubbish, waste or other debris whether or not resulting from operation of the stand, in a manner satisfactory to the Director of Public Works.
 11. Upon relocation or removal of the stand, leave the part of the highway upon which the stand was located and the immediate vicinity thereof in a safe, proper and clean condition satisfactory to the Director of Public works.
 12. Take out a policy of insurance as specified in the Agreement.
 13. Not sell by retail, goods that are not described in an Agreement.
 14. Not assign or transfer the Agreement and Permit without prior consent of the City.
16. Every street vendor that provides a service shall comply with the following regulations:
1. Not use part of the highway other than the part of the highway for which a Permit has been issued.
 2. Not use the highway for other than the provision of a service.

3. Not use signs, advertising devices or other means of advertising and content thereof not specifically permitted by the Agreement.
 4. Expose the Permit in such a manner satisfactory to the Issuer of Licences.
 5. Relocate his or her service site to any other part of the highway as may be required by the City upon direction of the Commissioner of Engineering.
 6. Permit the Director of Public Works and the Commissioner of Engineering to enter upon the part of the highway upon which the service site is located for the purpose of public works.
 7. Keep and maintain at all times at his or her own expense, the service site in a clean and sanitary condition free from all paper, rubbish, waste or other debris in a manner satisfactory to the Director of Public Works.
 8. Upon relocation of the service, leave the service site in a clean condition satisfactory to the Director of Public Works.
 9. Not assign or transfer the Agreement and Permit without prior consent of the City.
 10. Keep and maintain a standard of dress, appearance and decorum satisfactory to the committee.
 11. Not provide services that are not described in an Agreement.
17. Nothing in this by-law shall obligate the City to enter into an Agreement or issue a Permit or grant prior permission or consent.
18. No person to whom a Permit has not been issued, or to whom a Permit has been issued but is not in force, shall use part of the highway or a vacant lot adjacent thereto for the sale by retail of goods or services.
19. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than \$2,000.
20. Every street vendor who contravenes any regulation in sections 15 or 16 is guilty of an offence and is liable to a fine of not more than \$2,000.

21. Except by a street vendor to whom a Permit has been issued and is in force, no person shall solicit or importune on a highway listed in Schedule "A".


22. The amount of fee or charge for permission to establish a stand shall be as follows:

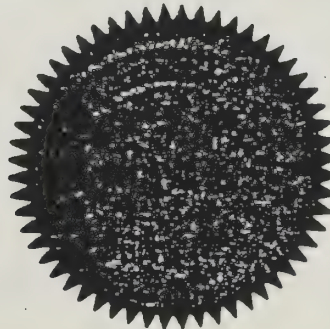
1. For street vendors operating a stand.....\$300.00.
2. For street vendors providing a service.....\$100.00.

PASSED this 9th day of April

A.D. 1985.


City Clerk


Mayor



SCHEDULE "A"

To

By-law No. 85- 66

Section 11

HIGHWAYS FOR WHICH PERMITS MAY BE ISSUED

NAME

FROM

TO

SIDE (North or South
East or West)

King Street

Bay Street

Mary Street

North and South

FORM 1

The Corporation of the City of Hamilton
 Application For A Street Vendor's Agreement and Permit No. _____
 (By-law No. 85- 66 , S.2)

Applicant (Print)			
Address (Print)			Telephone:
List of goods or services (see By-law No. 85- , S.3(a)) (Print)			
(List types, classes and amounts of goods and services in detail on reverse side.)			
Preferred Location: Select one location by placing "X" in appropriate box. One space only per Street Vendor.			
Street	North Side	South Side	Location
()	()	()	
()	()	()	
()	()	()	
()	()	()	
()	()	()	
()	()	()	
<p>I certify that I am a resident of The Regional Municipality of Hamilton-Wentworth and that my goods are and will be for sale by retail by me or by my employee or assistant or partner.</p> <p>I have read and am conversant with By-law No. 85- 66 , and, if granted a Permit, undertake to comply with the provisions of the By-law.</p> <p style="text-align: right;">Signed: _____</p> <p style="text-align: right;">Address: _____</p> <p style="text-align: right;">Telephone No.: _____</p> <p style="text-align: right;">Date: _____</p>			

FORM 2

The Corporation of the City of Hamilton

STREET VENDOR'S STAND AGREEMENT

By-law No. 85- 66

(Section 2)

THIS AGREEMENT made on the day of , 19

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter referred to as the "City")

OF THE FIRST PART

- and -

(hereinafter referred to as the "Street Vendor")

OF THE SECOND PART

W H E R E A S:

1. The Street Vendor has applied to the City for this Agreement and for permission to operate a stand on part of the highway listed in Schedule "1" to this Agreement and in accordance with By-law No. 85-

2. It is desirable to grant the permission applied for.

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of,

(a) the premises and covenants and agreements hereinafter contained on the part of the parties hereto to be observed, fulfilled and performed by each of them hereafter provided (the provision of which shall survive the execution of this Agreement);

(b) the granting by the City of permission to operate a stand on part of the highway listed in

Schedule "1" to this Agreement;

(c) other good and valuable consideration, the parties do hereby covenant and agree as follows:

1. The Street Vendor will operate the stand only at the location on part of the highway specified in Schedule "1".
2. The Street Vendor will operate the stand only on such days and during such times specified in Schedule "1" for the corresponding part of the highway.
3. The Street Vendor will sell by retail only those goods and provide only those services listed in Schedule "2" to this Agreement.
4. The Street Vendor will not substitute the stand approved by the Architect for any other stand, without consent.
5. The Street Vendor will maintain a policy of insurance during the period that the Permit is in force at his or her own expense satisfactory to the City and the Regional Municipality in which the City and the Regional Municipality are the named insured and is indemnified against all liabilities which may arise from the use of part of the highway under the Permit.
6. The Street Vendor will indemnify and keep indemnified the City and the Regional Municipality against all actions, suits, claims and demands which may be brought against, or made upon, the City or the Regional Municipality, or both of them, and against all loss, costs, damages,

charges or expenses whatsoever that may be incurred, sustained or paid by the City and the Regional Municipality or both of them, in consequence of the stand hereby permitted over and upon the highway.

7. The Street Vendor will not make any claims against the City on account of, or in respect of,
 - (a) relocation or removal of the stand;
 - (b) the Director of Public Works or the Issuer of Licences entering upon the location of the stand.
8. The City may perform any act or do any work at the full cost and expense of the Street Vendor where the City is of the opinion that the Street Vendor has neglected, failed or refused to relocate or remove the stand, to keep the vicinity of the stand in a clean and sanitary condition or to leave part of the highway and the vicinity thereof upon relocation or removal of the stand, in a safe, proper and clean condition.
9. Upon removal of the stand by the City, the City may store the stand for such period of time as the City may require and if the Street Vendor does not apply to the City for the stand within 30 days, the City may, without recourse by the Street Vendor, sell the stand or otherwise dispose of it.
10. Where the Street Vendor retrieves the stand from storage by the City within

30 days, the City may charge for storage in such amount as the City determines and shall not be liable for any damage or injury to the stand or any loss or expense incurred or to be incurred by the Street Vendor during the period of storage, and in no event, shall the City be liable for any claim in respect of the stand for any reason whatsoever.

11. The Street Vendor will comply in all respects with the Agreement and with the directions of the Director of Public Works and the Issuer of Licences in accordance with the by-law.
12. The Street Vendor fully understands that the permission granted to operate a stand is during the pleasure of council and that,
 - (a) the permission may be cancelled at any time by the City;
 - (b) the permission may be suspended for cause by the Director of Public Works or the Issuer of Licences pending a report to the committee;
 - (c) if the City at any time cancels or suspends the permission hereby granted, or upon expiration of the permission hereby granted, the City will not be liable to pay any compensation whatsoever for any loss, costs or damages that the Street Vendor or anyone claiming under

the Street Vendor may have by reason of such cancellation, suspension or expiry;

- (d) the Agreement and the permission hereby granted automatically terminates and expires on
- (e) the City is under no obligation to reinstate any permission cancelled or suspended or to renew any permission expired.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

City Clerk

Witness:

SCHEDULE "1"

To

STREET VENDOR'S STAND AGREEMENT

PARTS OF HIGHWAYS ON WHICH STANDS MAY BE OPERATED

SCHEDULE "2"

To

STREET VENDOR'S STAND AGREEMENT

GOODS TO BE SOLD

FORM 3

The Corporation of the City of Hamilton

STREET VENDOR'S SERVICE AGREEMENT

By-law No. 85-66

(Section 2)

THIS AGREEMENT made on the day of , 19

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter referred to as the "City")

OF THE FIRST PART

- and -

(hereinafter referred to as the "Street Vendor")

OF THE SECOND PART

W H E R E A S:

1. The Street Vendor has applied to the City for this Agreement and for permission to operate a stand on part of the highway listed in Schedule "1" to this Agreement and in accordance with By-law No. 85-
2. It is desirable to grant the permission applied for.

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of,

(a) the premises and covenants and agreements hereinafter contained on the part of the parties hereto to be observed, fulfilled and performed by each of them hereafter provided (the provision of which shall survive the execution of this Agreement);

(b) the granting by the City of permission to provide service on part of the highway listed in

Schedule "1" to this Agreement;

(c) other good and valuable consideration, the parties do hereby covenant and agree as follows:

1. The Street Vendor will provide the service only at the location on part of the highway specified in Schedule "1".
2. The Street Vendor will provide the service only on such days and during such times specified in Schedule "1" for the corresponding part of the highway.
3. The Street Vendor will provide only the services listed in Schedule "2" to this Agreement.
4. The Street Vendor will maintain a policy of insurance once during the period that the Permit is in force at his or her own expense satisfactory to the City in which the City is the named insured and is indemnified against all liabilities which may arise from the use of part of the highway under the Permit.
5. The Street Vendor will indemnify and keep indemnified the City against all actions, suits, claims and demands which may be brought against, or made upon, the City and against all loss, costs, damages, charges or expenses whatsoever that may be incurred, sustained or paid by the City in consequence of the stand hereby permitted over and upon the highway.
6. The Street Vendor will not make any claims against the City on account of, or in respect of,

- (a) relocation or removal of the stand;
 - (b) the Director of Public Works or the Issuer of Licences entering upon the location where the service is provided.
7. The City may perform any act or do any work at the full cost and expense of the Street Vendor where the City is of the opinion that the Street Vendor has neglected, failed or refused to leave the service site in a clean and sanitary condition or to leave part of the highway and the vicinity thereof upon relocation in a safe, proper and clean condition.
8. The Street Vendor will comply in all respects with the Agreement and with the directions of the Director of Public Works and the Issuer of Licences in accordance with the by-law.
9. The Street Vendor fully understands that the permission granted to provide a service is during the pleasure of council and that,
- (a) the permission may be cancelled at any time by the City;
 - (b) the permission may be suspended for cause by the Director of Public Works or the Issuer of Licences pending a report to the committee; committee;
 - (c) if the City at any time cancels or suspends the permission hereby granted, or upon expiration of the

permission hereby granted, the City will not be liable to pay any compensation whatsoever for any loss, costs or damages that the Street Vendor or anyone claiming under the Street Vendor may have by reason of such cancellation, suspension or expiry;

- (d) the Agreement and the permission hereby granted automatically terminates and expires on _____;
- (e) the City is under no obligation to reinstate any permission cancelled or suspended or to renew any permission expired.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF HAMILTON

In the presence of:

Mayor

City Clerk

Witness:

04/09/85

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SCHEDULE "1"

To

STREET VENDOR'S SERVICE AGREEMENT

PARTS OF HIGHWAY ON WHICH SERVICES MAY BE PROVIDED

SCHEDULE "2"

To

STREET VENDOR'S SERVICE AGREEMENT

SERVICES TO BE PROVIDED

FORM 4

City of Hamilton

Street Vendor Occupation Permit No. _____

STREET VENDOR

By-law No. 85-66

(Section 2)

THE UNDERNOTED STREET VENDOR is permitted to occupy the sidewalk and/or boulevard indicated and to establish a stand thereon.

Street Vendor:		Address:	
		Telephone No.:	
Feet () X () Sidewalk Width Depth		Feet () X () Boulevard Width Depth	
Location and Details:			
All obstructions must be cleared on this date		EXPIRY DATE: _____, 19	
<p>This Permit is subject to By-law No. 85 - and the conditions in an Agreement between the City and the Street Vendor named above.</p> <p>The City reserves the right to cancel this Permit without notice.</p> <p>No unauthorized signs or advertising devices may be attached to any stand allowed by this Permit.</p>			
Street Vendor		(Signature)	
Witnessed and Issued by		For: City	

The Corporation of the City of Hamilton

BY-LAW NO. 85-181

To Amend:

Street Vendors By-law No. 85-66

Respecting:

RENEWAL OF AGREEMENTS AND
ADVERTISEMENT OF GOODS AND SERVICES

WHEREAS By-law No. 85-66, passed on the 9th day of April, 1985 pursuant to various provisions of The Municipal Act as therein set out, provides for the use of parts of sidewalks by Street Vendors;

AND WHEREAS it is intended to amend the said by-law in order to allow for renewal of Agreements with street vendors.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 6 of By-law No. 85-66 is amended by adding thereto the following subsection:

(2) Notwithstanding any application made for a stand, or the order referred to in subsection 1, an Agreement may be renewed or extended and a Permit issued for a period commencing on the expiry of the immediately preceding Agreement, upon such terms and conditions as the City may require.

2. Paragraph 4 of section 15 of the said by-law is repealed and the following substituted therefor:

4. Not use signs, advertising devices or other means of advertising that are not attached to the stand.

4a. Not use the stand to advertise any matter or thing other than the actual goods exposed or offered for sale by retail.

3. Paragraph 3 of section 16 of the said by-law is repealed and the following substituted therefor:

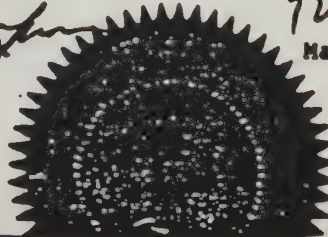
3. Not use signs, advertising devices or other means of advertising to advertise a service that is not specified in the Agreement.

PASSED this 27th day of August,

A.D. 1985.

E.A. [Signature]
City Clerk

[Signature]
Mayor



The Corporation of the City of Hamilton

BY-LAW NO. 86- 154

To Amend:

Street Vendors By-law No. 85-66

Respecting:

REMOVAL OF STANDS; PRIORITY OF LOCATIONS;
ELIMINATION OF SERVICES; CANCELLATION OF PERMIT

WHEREAS By-law No. 85-66, passed on the 9th day of April, 1985, as amended by By-law No. 85-121, passed on the 25th day of June, 1985 and By-law No. 85-181, passed on the 27th day of August, 1985, provides permission to Street Vendors on designated highways;

AND WHEREAS it is intended to further amend By-law No. 85-66.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Clauses 1(n), 1(o) of By-law No. 85-66 are repealed.

(2) Clause 1(q) of the said by-law is amended by striking out "or provide a service" at the end thereof.

2. (1) Subsection 2(1) of the said by-law is repealed and the following substituted therefor:

(1) Every applicant shall attend at the office of the Issuer of Licences and make and file an application in FORM 1 for Street Vendor's Agreement in FORM 2 and for a Permit in FORM 4 and pay a fee or other charge per annum.

(2) Section 2 of the said by-law is amended by adding thereto the following subsection:

(3) No application for a stand shall be received after 30 days from the date of a notice appearing in The Hamilton Spectator.

3. (1) Subsection 3(1) of the said by-law is amended by adding at the beginning thereof, "Except as provided in paragraph 4 of subsection 4(1),".

(2) Subsection 3(2) of the said by-law is amended by adding at the beginning thereof, "Except as provided in paragraph 4 of subsection 4(1),".

4. (1) Subsection 6(1) of the said by-law is repealed and the following substituted therefor:

(1) Notwithstanding any application made for a stand and except as provided in subsection 2, no Agreement shall be entered into and no Permit issued except in the following order:

1. An Agreement may be entered into and a Permit issued to an applicant for a stand carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by any other applicant in the city downtown.
 2. Where there is no applicant under paragraph 1, an Agreement may be entered into and a Permit issued for a stand to any applicant carrying on the closest similar type of existing permanent business that is the least distance from the location of the stand proposed by any other applicant in the city downtown.
 3. Where there is no applicant under paragraphs 1 and 2, an Agreement may be entered into and a Permit issued to any resident of the city.
 4. Where there is no applicant under paragraphs 1, 2 and 3, an Agreement may be entered into and a Permit issued to non-residents of the city.
5. Section 7 of the said by-law is repealed.
6. Section 10 of the said by-law is amended by striking out "or services" in the first line.
7. The said by-law is amended by adding thereto the following section:

11a. (1) Where a street vendor has not commenced business by July 1 of the current year, the City may cancel the Agreement and cancel the Permit and refund any fee or other charge.

(2) Upon cancellation of the Agreement and the permission to operate a stand, the City may enter into an Agreement and issue a Permit to any other applicant.

8. Section 14 of the said by-law is amended by striking out "or services" at the end thereof.

9. (1) Clauses (a) and (b) of paragraph 7 of section 15 of the said by-law are relettered "(b)" and "(c)", respectively.

(2) Paragraph 7 of section 15 of the said by-law is amended by adding thereto the following clause:

(a) upon ceasing to carry on business for a period of not more than two weeks;

10. Section 16 of the said by-law, as amended by section 3 of By-law No. 85-181, is repealed.


11. Section 18 of the said by-law is amended by striking out "or services" at the end thereof.

12. Section 20 of the said by-law is amended by striking out "sections 15 or 16" in the second line and inserting in lieu thereof "section 15".

13. Paragraph 2 of section 22 of the said by-law is repealed.

PASSED this 29th day of APRIL A.D. 1986.


City Clerk


Mayor

(1986) 5 R.L.C. 10, February 25



FORM 2

The Corporation of the City of Hamilton
STREET VENDOR'S STAND AGREEMENT

By-law No. 85- 66
(Section 2)

THIS AGREEMENT made on the day of , 19

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON
(hereinafter referred to as the "City")

OF THE FIRST PART

- and -

(hereinafter referred to as the "Street Vendor")

OF THE SECOND PART

W H E R E A S:

1. The Street Vendor has applied to the City for this Agreement and for permission to operate a stand on part of the highway listed in Schedule "1" to this Agreement and in accordance with By-law No. 85-

2. It is desirable to grant the permission applied for.

NOW THEREFORE, THIS AGREEMENT WITNESSETH THAT in consideration of,

(a) the premises and covenants and agreements hereinafter contained on the part of the parties hereto to be observed, fulfilled and performed by each of them hereafter provided (the provision of which shall survive the execution of this Agreement);

(b) the granting by the City of permission to operate a stand on part of the highway listed in

04/09/85

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- 9 -

FORM 1

The Corporation of the City of Hamilton

Application For A Street Vendor's Agreement and Permit No. _____

(By-law No. 85-66, S.2)

Applicant (Print) <i>GRATES & THINGS RESTAURANT</i>			
Address (Print) <i>103 KING ST EAST</i>			Telephone: <i>526 1121</i>
List of goods or services (see By-law No. 85-66, S.3(a)) (Print) <i>(FOOD) - ICE CREAM, SOFT DRINK, BURGERS</i> (List types, classes and amounts of goods and services in detail on reverse side.)			
Preferred Location: Select one location by placing "X" in appropriate box. One space only per Street Vendor.			
Street	North Side	South Side	Location
() <i>KING & JAMES</i>	()	()	<i>JOHN EAST</i>
() <i>KING E.</i>	()	()	<i>JOHN WEST</i>
() <i>KING R.</i>	()	()	<i>HUGHSON</i>
()	()	()	
()	()	()	
()	()	()	

I certify that I am a resident of The Regional Municipality of Hamilton-Wentworth and that my goods are and will be for sale by retail by me or by my employee or assistant or partner.

I have read and am conversant with By-law No. 85-66, and, if granted a Permit, undertake to comply with the provisions of the By-law.

Signed: _____

Address: *103 KING ST. EAST*

Telephone No.: *526 1121*

Date: *05/14/85*

1108 MAY 12 58

TY CLERKS DEPARTMENT

CORPORATION OF THE
CITY OF HAMILTONTENDER
RECEIVED

L241152

OK'd for King & James

J-18

S-W corner @ CIBC
10.0mMay 14/85
SP

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

June 10, 1986

Mr. Paul Pappas
Grapes & Things Restaurant
103 King Street East
Hamilton, Ontario
L8N 1A9

Dear Sir:

I am pleased to advise that City Council at its meeting held May 13, 1986, in adopting Section 8 of the Ninth Report of the Legislation Committee, gave approval to your street vendor's application at James Street South at King Street West (s/w corner) location.

If you are a Street Vendor who sells food, you will require a refreshment vehicle licence, unless you are able to erect a permanent type stand which will be in compliance with all local by-laws, in particular, the Health Department who may require a washroom in the stand or within a specified distance. You can also anticipate concerns from Hamilton Hydro and the Regional Engineering Department regarding drainage facilities.

Additional standards as set out in the Street Vendors By-law are as follows:

- A plan showing the design, size and colour of the stand must be submitted for my approval;
- An insurance policy naming the City of Hamilton and the Regional Municipality of Hamilton-Wentworth as insured (as specified in the by-law), satisfactory to the City of Hamilton and the Region, will be required in advance of commencing business;
- A detailed list of all products to be sold will be required to be submitted to the Legislation Committee, which reserves the right to authorize/not authorize the sale of any item. You may recall that I advised you that your permit has been granted on the understanding that at least 70% of the goods being offered for sale are either food, flowers or jewelry products. I must approve any additional items which are accessory to the above items.

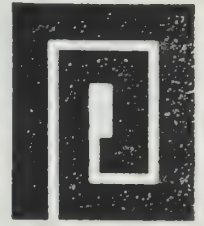
As this site is still unavailable due to construction of the Canadian Imperial Bank of Commerce building, I will hold your permit until the location is ready.

Yours truly,

S. J. Dembe, A.M.C.T.
Licence Administrator

SJD/hm

Dover Park
Development
Corporation Ltd.



July 15th, 1986

Grapes & Things
103 King Street East
HAMILTON, Ontario
L8N 1A9

Attention: Mr. Paul Papas

Dear Sir:

Re: Street Vendors Licence - King & James Streets, Hamilton

Further to our meeting of June 18th, 1986, I indicated that I would review the matter of your vendors licence with Canada Life (owners of Commerce Place) and the major tenant of the project, the Bank of Commerce, with a view toward determining their reactions to your request to potentially connect your proposed kiosk to the mechanical services of Commerce Place.

After careful review of this opportunity, we have decided that we would not support the installation of a permanent kiosk at this location and therefore, I must advise you that it will not be possible for your kiosk to be connected to our services.

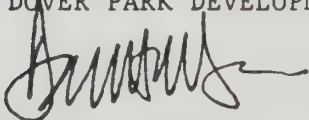
During the course of our discussions, I indicated to you that we would wish to approve the design of any kiosk to be situated at the main entrance to our project. I have arranged to obtain a series of photographs (copies of which are enclosed herewith) which represent a variety of mobile kiosks. I would be pleased to review the concepts of these designs with you at your convenience.

I trust you will find the above to be consistent with our conversation.

.../2

Thank you for bringing this matter to our attention.

Yours very truly,
DOVER PARK DEVELOPMENT CORPORATION LTD.

A handwritten signature in dark ink, appearing to read 'David A. House', with a stylized flourish at the end.

David A. House
Project Manager

/jlf
enclosure

cc - Alderman McCulloch
Steve Dembe ✓



March 11, 1987

City Licensing Commission
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Telesis Development
Limited
Suite 1270
100 King Street West
Hamilton, Ontario
L8P 1A2

Attention: Mr. S.J. Dembe
Licence Administrator

416 521-1451

Dear Sir:

RE: Street Vendors
King & James Streets
Hamilton, Ontario

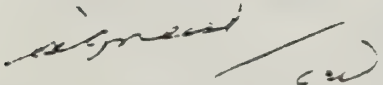
As you may recall, we previously reviewed the matter of the issuance of a street vendor license for the area immediately east of the main entrance to The Canadian Imperial Bank of Commerce's new main branch at the south-west corner of King and James Streets.

At that time, we discussed the implementation of this license, and we attempted to understand the design of the potential kiosk. To date we have not received any information in this regard.

As you know, it is my view that this location is not appropriate for a permanent street vendor facility, due to the volume of pedestrian traffic anticipated adjacent to the new C.I.B.C. branch (the 4th largest branch in Canada).

I would greatly appreciate it if you would bring me up to date on the status of the City's plan in this matter.

Yours very truly,
TELESIS DEVELOPMENT GROUP


David A. House
Development Manager

/asv

bcc: Bill McCulloch
Mayor Robert Morrow



E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

June 17, 1987

Mr. David A. House
Development Manager
Telesis Development Limited
Suite 507, 330 University Avenue
Toronto, Ontario
M5G 1R7

Dear Sir:

Re: Street Vendor's Permit

Please accept my apology for not replying to your letter of March 11, 1987.

However, I believed that you had a clear understanding from me that a street vendor's permit has been approved to Mr. Paul Pappas of Grapes and Things for a mobile street vending cart. This permit was issued before you raised any objections to this site. It was a part of the original group of sites designated for the Street Vendors Program for 1985. You indicated to me when we met that Mr. Pappas had approached you with the idea of erecting a "permanent" kiosk on this site, which did not meet with your approval. I further explained that Mr. Pappas's permit was issued on the understanding that while he could not operate during the construction period, once the facility was completed, he should bring in his final plan for his mobile cart and begin operation.

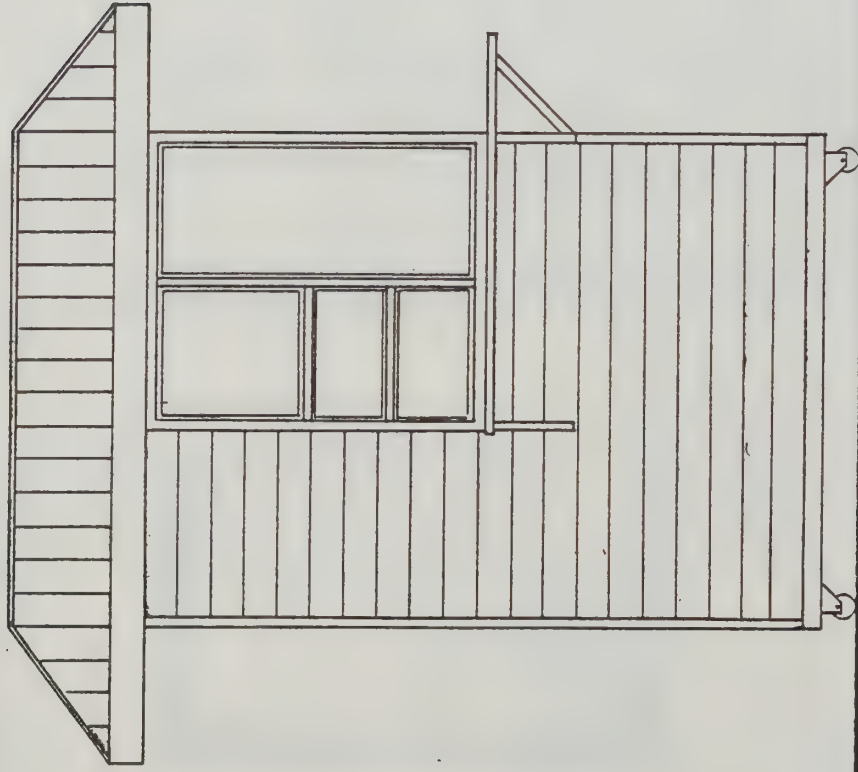
If you still believe that the site is not suitable, then this is a matter that has to be discussed with the members of the Legislation Committee and Mr. Pappas. Perhaps there is a way in which we could find an alternate site which would be to Mr. Pappas's satisfaction, so that his present permit for this location can be recommended for cancellation.

Yours very truly,

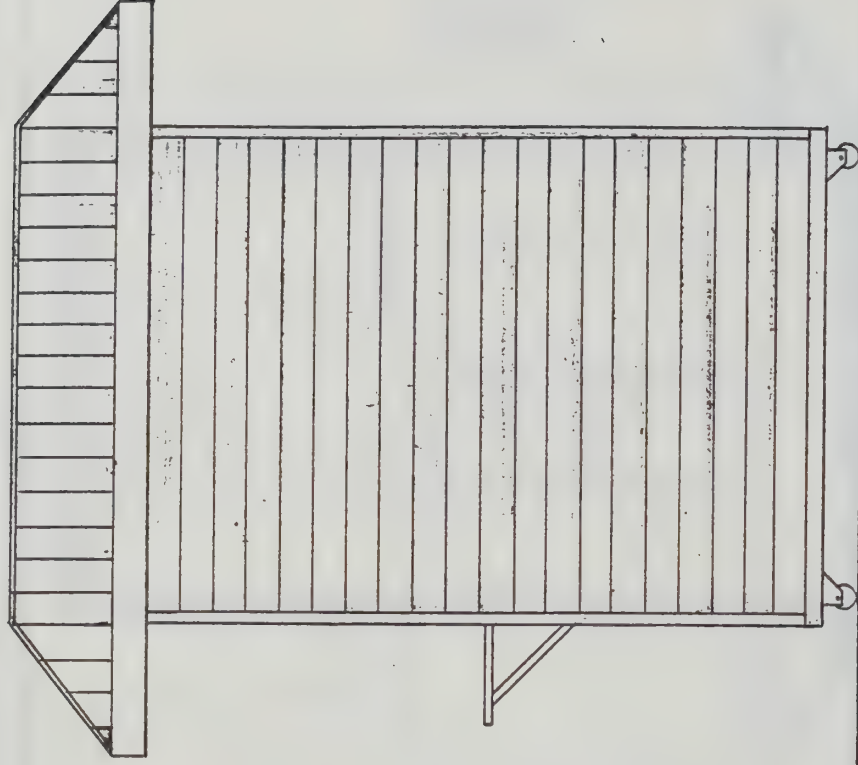
S. J. Dembe, A.M.C.T.
Manager, Licence Division

SJD/hm
C.C. Mayor R. Morrow

SOUTH ELEVATION

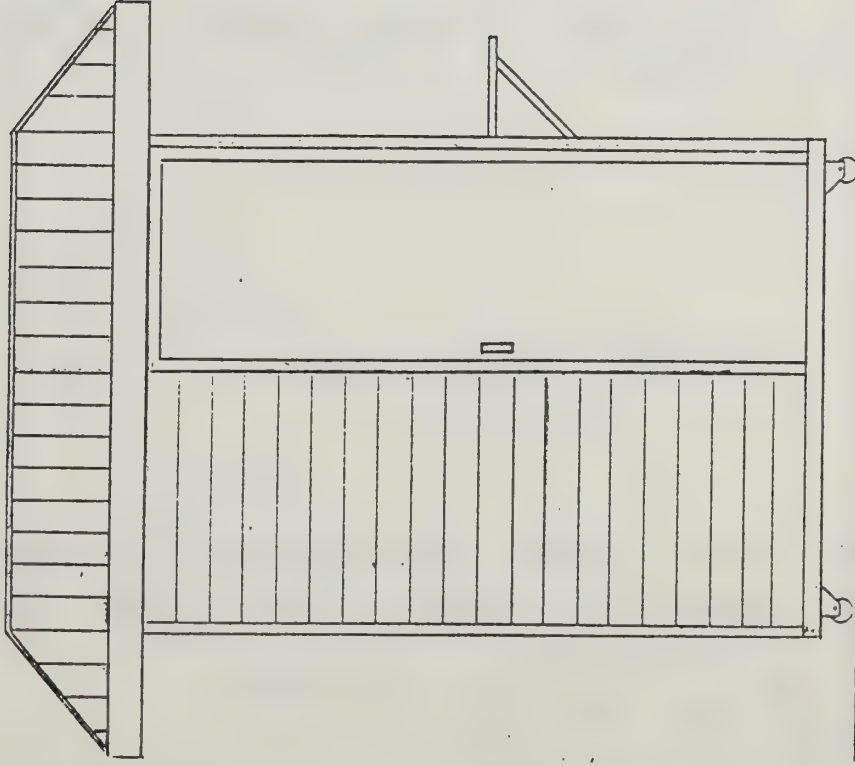


NORTH ELEVATION

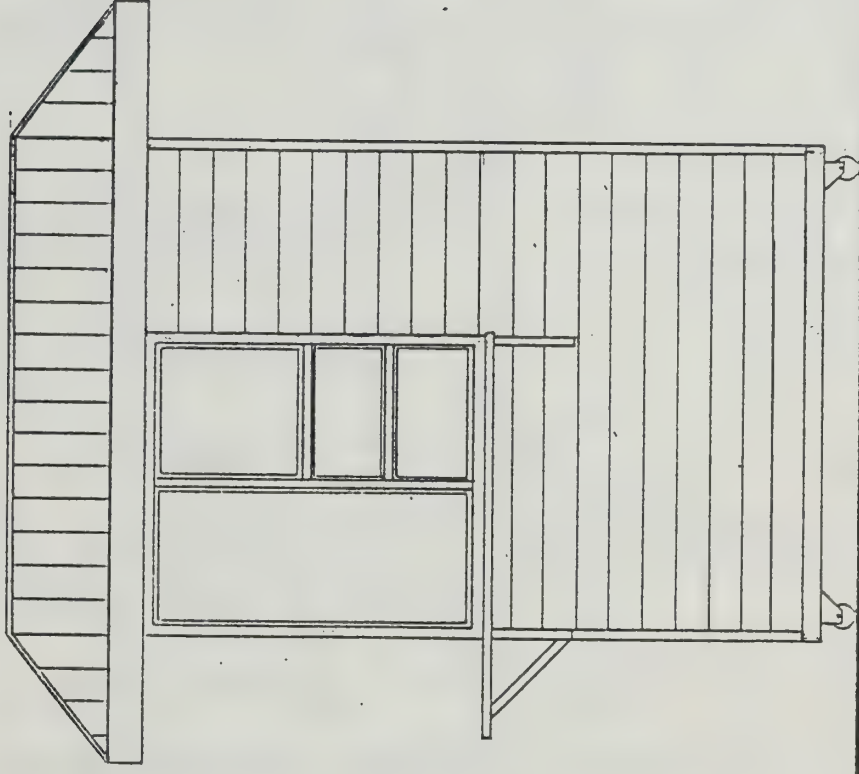


Sausages Of The World

EAST ELEVATION



WEST ELEVATION



Sausages Of The World

Corporation of the City of Hamilton
Memorandum

4.

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:
PHONE: 526-2729

SUBJECT: FCM - 52ND ANNUAL CONFERENCE

DATE: 1989 March 30

The 52nd Annual Conference of the Federation of Canadian Municipalities will be held this year in Vancouver, British Columbia 1989 June 09 to June 12.

The City of Hamilton is allowed a maximum of 7 voting delegates at the Conference.

At the City Council meeting on 1989 March 28, the Mayor explained that members of City Council interested in attending are asked to apply to the Mayor's Office as soon as possible.

JT:mjw

c.c. Mayor R. M. Morrow

FOR ACTION

5.

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

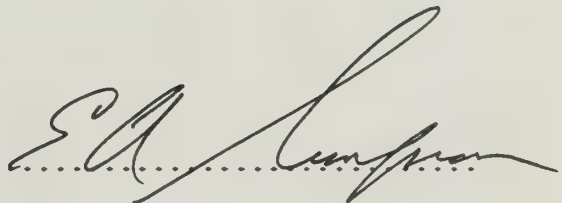
DATE: 1989 March 30
COMM FILE:
DEPT FILE:

SUBJECT:

Resolution from the Town of Paris.

RECOMMENDATION:

That the resolution from the Town of Paris regarding a proposal to charge cable t.v. companies a tax, based on their gross receipts, be endorsed.

.....

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Increased revenue to municipalities.

BACKGROUND:

Attached hereto is a copy of a memo from Mr. E. C. Matthews, Treasurer recommending that the City of Hamilton support the resolution of the Town of Paris.

Attachment

The Corporation of the
TOWN OF PARIS

RESOLUTION

Proposed by...Reeve Gibson.....

No.....7.....

Seconded by...Deputy-Reeve Wright.....

....December 6th....19.88.

WHEREAS the Council did pass a resolution on September 20th, 1988 recommending that Cable T.V. companies be required to make a payment in lieu of taxes based on an appropriate formula;

AND WHEREAS the Association of Municipalities of Ontario has suggested "a gross receipts tax" is more appropriate;

NOW THEREFORE the Council of the Corporation of the Town of Paris amends its resolution #8 of September 20th, 1988 so as to replace any reference to "payment in lieu of taxes" with the term "gross receipts tax" so the resolution now reads:

WHEREAS Cable T.V. companies have established themselves in municipalities by putting their wires and plant on municipal right-of-ways and streets;

AND WHEREAS Cable T.V. companies charge individual residents or properties a monthly or yearly sum for the use of these cables;

AND WHEREAS other utilities, ie. telephone companies, telegraph companies, gas companies, are required to pay to the municipalities a payment based on some form of applicable legislation;

AND WHEREAS Cable T.V. companies do not have to make any payment to the municipality in lieu of taxes under the terms of the current legislation;

NOW THEREFORE the Council of the Corporation of the Town of Paris recommends that the Minister of Municipal Affairs add a clause to The Municipal Act requiring Cable T.V. companies to pay a gross receipts tax based on an appropriate formula to the municipalities in which they are located;

AND FURTHER that a copy of this resolution be sent to the Minister of Municipal Affairs, the Hon. Robert Nixon, A.M.O. and all municipalities in the Province of Ontario for their consideration and endorsement.

I declare the resolution carried.

.....J.L. Bawcutt.....

Mayor.



THE CORPORATION OF THE TOWN OF OAKVILLE

March 14, 1989

Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED

MAR 20 1989

CITY CLERKS

6.

Dear Sir:

Re: Canada Geese Over-Population

At one point in time there was a concern that the Canada Goose may become extinct, however, methods were taken to protect the Canada Geese and over the last several years the population has increased to enormous proportions.

In the case of the Town of Oakville, they are with us year round as we have two major watersheds emptying into Lake Ontario and a number of minor ones and given the climate in this part of Ontario, there is always open water and while people are being advised not to do so they do feed them during the winter months. The net result is that our lakeside parks are being fouled from the presence of these Geese and the grass is being nibbled to the earth.

The bird is a protected species and we have no legal means at our disposal to reduce this large population. Not only do they foul many of our parks, but at least two daily excursions into farmers' cornfields where they may feed to the detriment of the farmers' crop.

Council has become sufficiently concerned about this problem that we have been directed to write all municipalities in Ontario which are waterfront municipalities, to seek their support in requesting the Provincial-Federal Governments to fund a research program aimed at effectively maintaining the Canada Geese population in urban waterfront parks.

I would appreciate it if you could bring this matter to the attention of your Council and advise me of their feelings on this issue.

Yours very truly

D.W. Brown/sp

D.W. Brown
Town Clerk
Town of Oakville
DWB/sp

FOR ACTION

MAR 22 1989

7.

REPORT TO: Mr. J. D. Thompson
Secretary, Legislation Committee

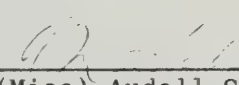
FROM: Miss A. Schimmel
Director of Culture & Recreation

DATE: 1989 March 20
COMM FILE:
DEPT FILE: Sr. Cit.-
Sp. Events

SUBJECT: USE OF CITY HALL FACILITIES - SENIOR CITIZENS' MONTH

RECOMMENDATION:

- (a) That permission be granted to utilize the City Hall second floor foyer for the period June 19th to 23rd inclusive, to display Seniors' art work, in conjunction with Senior Citizens' Month.
- (b) That permission be granted for use of the City Hall Forecourt on June 12 and June 23rd, from 12 noon to 4:00 p.m. for the opening and closing ceremonies of the Seniors' Carousel.
- (c) That permission be granted to use the first floor foyer for the period of May 17, 18, 19, from 9:30 a.m. to 4:00 p.m. inclusive, to hold registrations for the Hamilton Senior Games.



(Miss) Audell Schimmel, Director
Culture and Recreation Department

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

For the information of the Committee, we will require the use of a P.A. system, a piano, (with stool), and approximately one hundred and seventy-five chairs for the forecourt activities on June 12 and 23, and two long tables and twenty chairs for the Senior Games Registration May 17, 18, and 19.

GH/bs

c.c. R. Morrison

CA4 ON HBL A05
CS/L2



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 April 07

URBAN MUNICIPAL

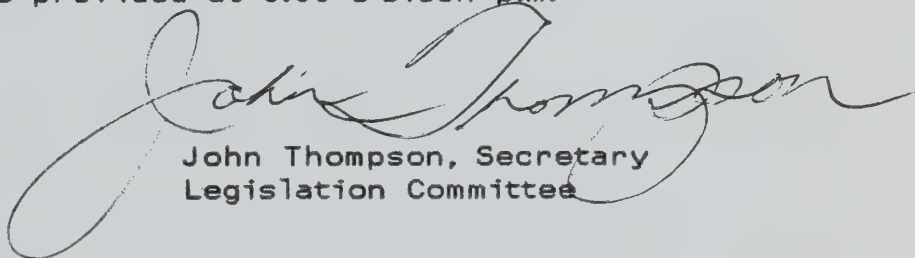
APR 11 1989

NOTICE OF SPECIAL MEETING

GOVERNMENT DOCUMENTS

Legislation Committee
Thursday, 1989 April 13
4:00 o'clock p.m.
Room 219, City Hall

NOTE: For the convenience of the members of the Committee, a hot dinner will be provided at 5:30 o'clock p.m.


John Thompson, Secretary
Legislation Committee

JT:mJw

A G E N D A

1. DELEGATIONS

- | | |
|----------------------|---|
| A. 4:00 o'clock p.m. | Transient Flower Vendors |
| B. 4:30 o'clock p.m. | Hamilton and District Labour Council -
Request to place memorial upon
City Hall grounds |
| C. 4:45 o'clock p.m. | IPCS/IDRC
Global Poisons Information Project Meeting-
Request for Civic dinner |

2. USE OF CITY HALL FACILITIES

- (a) Canadian Cancer Society, Hamilton Unit
- (b) Hamilton Black Ribbon Day Committee

3. REQUEST TO USE CITY OF HAMILTON LOGO

4. HER MAJESTY'S ARMY AND NAVY VETERANS SOCIETY -
100TH ANNIVERSARY

Request to Purchase Advertisement in their Centennial Publication

5. CORRESPONDENCE

Transportation Communications International Union,
Canadian Lakehead Grant Elevator Workers
Board of Adjustment No. 17 regarding Labour Dispute at Thunder Bay

6. TAXICAB LEGISLATION REVIEW SUB-COMMITTEE

Discussion Paper

7. NEW BUSINESS

8. ADJOURNMENT

A.
4:00 PM

FOR ACTION

REPORT TO: J. Thompson, Secretary
Legislation Committee

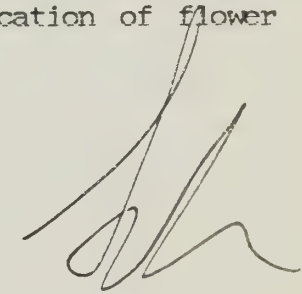
FROM: S. J. Dembe, Manager
Licence Division

DATE: April 7, 1989
COMM FILE:
DEPT FILE:

SUBJECT: Flower Vendors

RECOMMENDATION:

1. That all gasoline station owners who permitted the sale of flowers on their property on the Easter Weekend and flower vendors be notified that this is a contravention of Section 210 (151b) of the Municipal Act and that appropriate action would be taken in future for a similar violation.
2. That all flower vendors be notified that in future they cease use of the City/Regional road allowance unless specific permission has been granted by the City/Region.
3. Investigate the feasibility of assessing flower vendor businesses who are presently not required to obtain a transient traders licence for the purpose of paying additional business tax based on size and location of flower stalls.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

Attached for the Committee's further review is the staff report on inspections carried out over the Easter Weekend.

SJD/be

MEMORANDUM • CITY OF HAMILTON

TO : Steve Dembe, Manager
Licence Division

YOUR FILE:

FROM : Douglas Rose
Licence Inspector

OUR FILE :

SUBJECT : **Flower Vendors - Easter Weekend**

DATE : 29 March 1989

Inspectors made routine checks of all flower vendors working the Easter weekend of March 24, 25 and 26th, 1989. Five inspectors worked fifty-seven (57) hours of overtime during the three days. Approximately 112 locations were inspected.

The following is an approximate break down of the vendors inspected:

A Licensed Transient Traders

1. Richard Urban	18 locations
2. George Sharples	2 "
3. Leonard Alboine	16 "
4. Sandra Buffet	<u>4</u> "
	40

B Established Business on Assessment Roll

1. Sun Studio (1231 Main Street East) 33 locations
2. 32 Existing Florists & Variety Stores - Flowers located immediately in front of their business.

C Foot Pedlar's Licences - flowers

Foot Pedlar means a person who goes from place to place or to a particular place with goods for sale.

1. Impressions - Robert Johnson	1 location
2. Jason Chamberland	<u>1</u> "
	2

D Unlicensed Vendor - One Charge Pending

On March 23rd the vendor set up a stand at King and Ottawa Streets and on March 24 & 25 he had three stands at: Upper Gage and Crockett, Ottawa and King, 954 King Street East.

On March 25th there was also a stand at 15 Wellington Street North (outside flea market).

On March 26th the vendor had an additional stand at 29 Linden St. (Steel City Flea Market).

Five (5) locations

All 112 locations were originally checked on March 24 and were rechecked March 25 & 26th, 1989.

The two problems common to all vendors was:

- (a) In apparent violation of the City/Regional Road Allowance By-law, approximately 90% of all vendors appeared to be encroaching on the City/Regional road allowance.
- (b) use of gas stations to set up their stands (contrary to the Municipal Act, Section 210, Sub-section 151b - see attached). Forty (40) of the vendors were set up on gas station lots.

The Licence Department had received several complaints about the age of the children selling the flowers. One caller also expressed concern about: minimum wages, their children were being paid (\$35.00/day), the lack of washroom facilities, having to work in poor weather conditions and the hours of operation.

The average age of employees interviewed was 14 to 15 years of age with some as young as 12. There seemed to be an even split in the number of females and males working. The hours of operation ranged from 8:30 a.m. till approximately 6:00 p.m.

DR/lm

Automobile
service
stations in
restricted
areas

151. For licensing, regulating and governing the owners or keepers of automobile service stations located or erected within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations is prohibited by a by-law, and for fixing a fee not exceeding \$10 for such licence, and for providing that a licence shall not be granted to any person as an owner of a public garage located or erected within any such area or on any such land notwithstanding that prior to the passing of this section any such person may have been granted a licence as the owner of a public garage.

- (a) For the purposes of this paragraph, an automobile service station means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.
- (b) No person owning or keeping an automobile service station licensed under this paragraph shall use or permit it to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or, except in an enclosed building, for washing motor vehicles, or for vulcanizing tires or tubes or for exhibiting for sale any accessories mentioned in clause (a) except in an enclosed building, or for exhibiting the same for sale in any display window, or for performing therein any repairs to motor vehicles other than those mentioned in clause (a), or for storing and keeping for sale any article, accessory or merchandise of any kind other than those expressly mentioned in clause (a) hereof, and it is the duty of such owner or keeper to prevent the use of an automobile service station for any such prohibited purpose.
- (c) The owner or keeper of an automobile service station guilty of any infraction of any of the provisions of clause (b) is subject to the penalties set forth in the by-law permitting the location or erection thereof or the licensing of the same as for an infraction of such by-law.

Corporation of the City of Hamilton

Memorandum

B.
4:30 PM

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:

PHONE: 526-2729

SUBJECT: HAMILTON AND DISTRICT LABOUR COUNCIL -
MEMORIAL

DATE: 1989 April 7

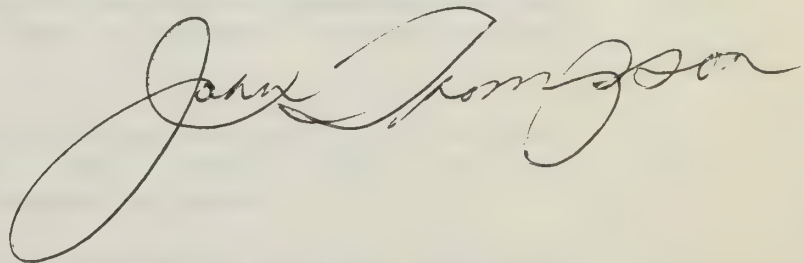
At its meeting held 1988 May 02, the Legislation Committee had before it a letter from the Hamilton and District Labour Council requesting permission to erect a memorial upon the grounds of City Hall.

The Labour Council's request was tabled pending development of a policy for the placement of commemorative plaques, memorials, time capsules, etc. upon the grounds of City Hall.

At its meeting held 1988 September 17, City Council, on the recommendation of the Legislation Committee adopted the attached policy to Govern and Regulate the Installation of Commemorative Plaques, Memorials, Time Capsules and Trees Upon City Hall Grounds.

A copy of the policy was then forwarded to the Labour Council for review.

Having had ample time to review the policy, the Hamilton and District Labour Council is now in a position to respond to the Legislation Committee on the purpose of the memorial and its dimensions.



JT:mjw

Attachment

FOR ACTION

REPORT TO: Legislation Committee

FROM: D. W. Vyce
Director of Property

DATE: 1988 September 13
COMM FILE:
DEPT FILE:

SUBJECT:

Policy to Govern and Regulate the Installation of Commemorative Plaques, Memorials, Monuments, Time Capsules and Trees upon City Hall Grounds.

RECOMMENDATION:

- (a) That the installation and location of commemorative plaques, memorials, monuments, time capsules, and trees upon the grounds of City Hall shall be subject to the consideration and recommendation of the Legislation Committee and approval of City Council.
- (b) That each application be considered on its own merits with the view to examining and identifying the impact and importance of significant contributions made to the overall growth and development of the City of Hamilton by the organization or group.
- (c) That the design and quality of materials used in any structure shall be subject to the approval of the Legislation Committee and City Council. The Director of Property shall prepare a report for the Legislation Committee on each application commenting on the aesthetics of the exterior appearance of any structure to ensure that it does not detract from the grounds of City Hall.
- (d) That the cost of materials and labour to supply and install any structure or plant the tree(s) shall be the responsibility of the organization or group.
- (e) That the City will attempt to accommodate the Donor with the choice of the tree(s) where the species is available and where the climate and growing conditions are appropriate for such species.
- (f) That the cost of any replacement plaque etc. as the result of vandalism or theft shall be the responsibility of the organization or group.

- (g) That the wording to be contained on any plaque shall be approved by the Legislation Committee and City Council.
- (h) That an agreement be entered into between the City and the applicant with respect to the actual entry upon City lands, construction of the plaque, monument, memorial, time capsule, or tree planting and its continued presence on the site.
- (i) That the City always retain the right to relocate the plaque, monument, memorial, time capsule or tree to another location in the event the City requires the land for other municipal purposes at the same time in the future.
- (j) That the City Solicitor be directed to prepare an agreement between the City and organization covering the proposal.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

An investigation has been conducted with respect to the policy followed in a number of other Ontario municipalities. The findings indicate that there does not appear to be an official policy regulating the erection of plaques, monuments, memorials or time capsules in and around City Hall.

As a result of the studies carried out, it is recommended that the above policy be adopted.

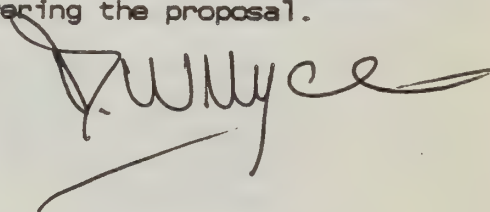
c.c.

L. Sage
Chief Administrative Officer

K. Rouff
City Solicitor

R. Swan, Manager
Property Maintenance

R. Martiniuk, Manager
Architectural Division

A handwritten signature in dark ink, appearing to read 'D. W. Myce', is written over the right side of the page, partially overlapping the 'FINANCIAL IMPLICATIONS' section.

FOR ACTION

C.
4:45 PM

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Finance Committee

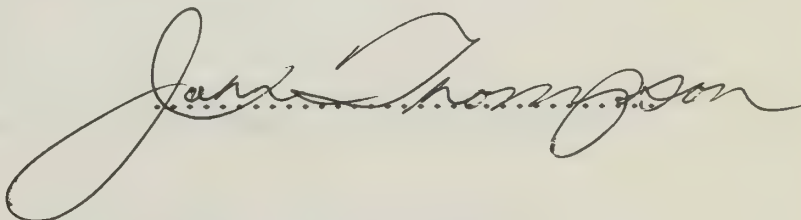
DATE: 1989 April 06
COMM FILE:
DEPT FILE:

SUBJECT:

IPCS/IDRC Global Poisons Information Project -
Request for civic dinner.

RECOMMENDATION:

That the Legislation Committee look favourably upon the request of the Canadian Centre for Occupational Health and Safety for the City of Hamilton to host a civic dinner for the fifty (50) participants attending the IPCS (International Programme on Chemical Safety) and IDRC (International Development Research Centre) Global Poisons Information Project meeting to be held in the City of Hamilton during the week of 1989 May 08.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approximately \$2 000.

BACKGROUND:

At its meeting held 1989 April 04, the Finance Committee had before it an application for a convention/reception grant from the Canadian Centre for Occupational Health and Safety in the amount of \$2 000. The purpose of the grant is to provide a dinner hosted by the City for the fifty (50) participants attending this international meeting.

It was felt that this was a matter to be more properly dealt with by the Legislation Committee as the applicant is requesting that the dinner be hosted entirely by the City of Hamilton.

Attached is a copy of the grant application which contains all the necessary background information on this event.

Attachment

4.00 PM

THE CORPORATION OF THE CITY OF HAMILTON
APPLICATION FOR CONVENTION OR RECEPTION

Each organization applying for a grant is required to complete this form and forward same to Mr. D. K. Beattie, Grants Co-ordinator Treasury Department, City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4 (telephone 526-2739).

I.R.		
J.C.H.		
T.D.		
D.D.		

1. Name, Address and Telephone Number of organization:

Canadian Centre for Occupational Health and Safety
250 Main Street East
Hamilton, Ontario
L8N 1H6

Liason Person Lillian Vine Phone No. 572-2981 Ext 287

2. Provide a brief history of your organization (Constitution, Charter, By-laws) and indicate if it is incorporated as a non-profit or charitable organization.

See attached.

3. What are the general objects and/or functions of your organization?

See attached.

4. a) Amount of the grant request \$ 2,000.00 .

b) Indicate when payment of grant is required.

	<u>Amount</u>	<u>Date</u>
Upon City Council Approval	\$ <u>2,000</u>	<u> </u>
Other Date or Installments	\$ <u> </u>	<u> </u>
	\$ <u> </u>	<u> </u>
	\$ <u> </u>	<u> </u>

THE CORPORATION OF THE CITY OF HAMILTON

5. Explain briefly the nature of your event to be held for which you are requesting financial assistance.

See attached.

6. With respect to your event, answer the following:

- (a) How many people will be in attendance? 50
- (b) Of the stated number of people, how many are coming from outside of Hamilton? 40
- (c) What is the date of the event? May 8, 1989
- (d) What is the location of the event? possibly Holiday Inn
-

7. For what reasons does your organization merit the use of public funds for the purpose indicated above?

See attached.

THE CORPORATION OF THE CITY OF HAMILTON

8. What other contributions are being requested or obtained to meet the cost of your event? (Government grants, donations, etc.)

NOTE: YOU ARE ADVISED THAT CONSIDERATION WILL NOT BE GIVEN TO AN APPLICATION FOR FINANCIAL ASSISTANCE IF A SIMILAR APPLICATION HAS ALSO BEEN SUBMITTED TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AND/OR AN ORGANIZATION THAT RECEIVES A SUBSIDIZED RENTAL RATE FOR USE OF A FACILITY OR FACILITIES UNDER THE JURISDICTION OF THE HAMILTON ENTERTAINMENT AND CONVENTION FACILITIES INC.

None.

9. Does your organization provide a service for which a charge is made? Some examples are admission fees, membership fees, and rental charges. If answer is "Yes", give details.

See attached.

NOTE: THE GRANTING OF ASSISTANCE IN ANY ONE YEAR IS NOT TO BE INTERPRETED AS A COMMITMENT TO FUTURE YEARS' FUNDING.

10. Will assistance be requested from the City of Hamilton in future years in this respect?

The Centre was highly honoured to have been chosen as the site of the 1989 meeting; it is unlikely that this will be repeated soon.

11. List the Executive Officers of your organization:

<u>Name and Title</u>	<u>Address</u>	<u>Telephone Number</u>	
		<u>Business</u>	<u>Home</u>
Dr Gordon Atherley President and Chief Executive Officer	CCOHS 250 Main Street East Hamilton, Ontario	572-2981	
Kash Manchuk, Secretary-Treasurer			
<u>1988 10 31</u> Date	<u>Kash Manchuk, Secretary-Treasurer</u> Name and Title of Officer Making Application and Director, Finance, Publishing and Administrative Services		
	Signature of Officer Making Application		

572-2981

Telephone Number

2. Provide a brief history of your organization (Constitution, Charter, By-laws) and indicate if it is incorporated as a non-profit or charitable organization.

The Canadian Centre for Occupational Health and Safety was created by an Act of Parliament in 1978 to promote the rights of Canadians to a healthy and safe workplace. It is governed by a Council of Governors representing labour, employers and governments. It reports to Parliament through the Minister of Labour. The Centre is located in Hamilton Ontario by Order in Council; it was chosen in the face of vigorous competition and lobbying from several other Canadian cities because of its location in the industrial core of Canada. The Centre is a non-profit organization which can accept charitable donations (and issue tax receipts); it is funded by the Government of Canada which is pushing for cost-recovery.

3. What are the general objects and/or functions of your organization?

To serve as the Canadian information resource in occupational health and safety. Information which is understandable, trustworthy, and readily accessible helps to change conditions which cause illness or injury in workplaces. The Centre provides a service of inquiries, publications, and computerized information (on-line and on CCINFODisc). CCINFODisc is gaining worldwide attention and acceptance; the expertise of the Centre in developing it is the very reason for the event for which the grant is requested. The Centre has held national workshops on issues in occupational health and safety. These have all been held in Hamilton.

5. Explain briefly the nature of your event to be held for which you are requesting financial assistance.

The application is for a dinner hosted by the City for the participants in the IPCS (International Programme on Chemical Safety/IDRC (International Development Research Centre) Global Poisons Information Project meeting. The meeting will be attended by people from many developed and developing countries. The keynote speaker has not yet been chosen, but it will be a person of international renown. Details of the IPCS/IDRC Poisons Information project are attached as Appendix A.

7. For what reasons does your organization merit the use of public funds for the purpose indicated above?

It is an honour that Canada has been selected as a leader in this international project and a special honour that Hamilton has been chosen for the annual meeting. Some 40 people (some with companions) will be in Hamilton and vicinity for 5 days, and about 15 members of the working group will be here for 9 days. That represents a large contribution to the financial health of the city. This project will be internationally significant and will receive much notice. It is important for the City of Hamilton to be seen as enthusiastic and welcoming to such an event.

9. Does your organization provide a service for which a charge is made? Some examples are admission fees, membership fees, and rental charges. If answer is "Yes", give details.

Most services of the Centre are free of charge. The principle of free access to information has been affirmed and re-affirmed by the Council of Governors throughout the life of the Centre. The government's policy of cost recovery has led to charges on some services. These cover production costs only.

Document 8080T
1988 07 29
Ref Doc 2096D-88

PROJECT ON DEVELOPING A POISONS INFORMATION PACKAGE

The International Programme on Chemical Safety (IPCS) and Canada's International Development Research Centre (IDRC) have jointly undertaken to co-ordinate and fund a project on developing a poisons' information package to strengthen the capabilities of developing countries to prevent and respond to poisonings. The package is to consist of a multilingual (English, French, Spanish) interactive, computerized system on the diagnosis and treatment of poisonings. It will also serve as a framework for storing data on products found on the local market, and for collecting case data on poisonings. The system is to use desk-top computers and at the same time make information available in hard copy for centres not yet able to benefit from the computerized system.

The project has sought CCOHS' participation and assistance in the use of CCINFODisc as a component of the system and in using the CD-ROM technology for storing and computerizing large amounts of data. The Centre de Toxicologie du Québec (CTQ), who have developed an interactive, desk-top computer, poisons' information system in English and French, are assisting the project on other components of the system. Other participants in the project include the International Labour Office (ILO), the United Nations Environment Programme (UNEP), the World Health Organization (WHO), the Commission of the European Communities (CEC), and poison centres from a number of developed and developing countries.

CCOHS' contribution to the project will be based on products developed for its own services. On request by the WHO, IDRC has provided the funds necessary to meet any costs associated with CCOHS' participation. The establishment of the computerized system is to be undertaken through the joint co-operation of CCOHS and CTQ.

A joint meeting of all participants in the project was held in London, England in March 1988. At this meeting, it was foreseen that the Project would be undertaken over three years. During this time, about 500 substance monographs would be prepared through a network of institutions and poisons centres and a computer system would be developed for storing monographs, product data information and case data, and tried out in a number of poison information centres in developed and developing countries. A training package for the system would also be prepared and tested.

It was expected that a pilot activity over the first six months would try out computer systems for possible use in the Project with the help of CCOHS and of poison centres in Québec, London and Brussels. Meanwhile, pilot centres in developing countries would install desk-top computers to become familiar with their use.

A meeting of the Steering Committee is planned for September 1988 at the CTQ in Québec.

The second meeting of all participating organizations is proposed to be held at CCOHS in mid-1989.

PKA:HdeJ

FOR ACTION

2(a)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

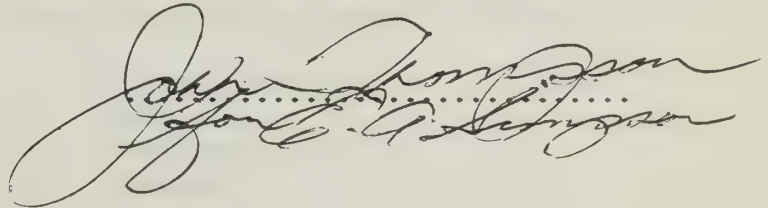
DATE: 1989 April 06
COMM FILE:
DEPT FILE:

SUBJECT:

The Great Ride to Beat Cancer.

RECOMMENDATION:

- (a) That the Canadian Cancer Society, Hamilton Unit be authorized to use the City Hall forecourt and equipment on Sunday, 1989 April 30 from 10:00 o'clock a.m. to 6:00 o'clock p.m. for the Annual Great Ride to Beat Cancer.
- (b) That staff overtime for a Property Maintenance Worker to be available for arrangements associated with this event be approved and charged to Account No. CH55222-10034 - Use of City Hall Facilities and Equipment by Outside Groups.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Approximately \$140.00

BACKGROUND:

FOR ACTION

2(6)

REPORT TO: Chairman and Members
Legislation Committee

FROM: E. A. Simpson
City Clerk

DATE: 1989 April 06
COMM FILE:
DEPT FILE:

SUBJECT:

Black Ribbon Day.

RECOMMENDATION:

(a) That permission be granted to the Hamilton Black Ribbon Day Committee to use the following facilities on 1989 August 23.

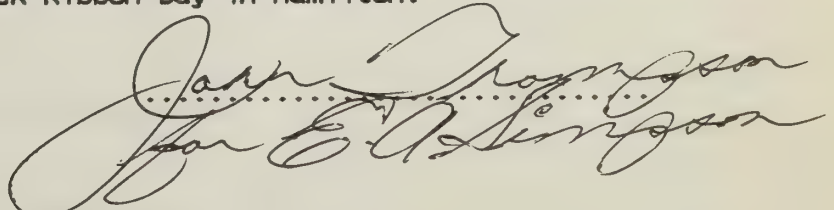
(i) City Hall forecourt for a public ceremony from
7:00 p.m to 9:00 p.m.

(ii) Small portion of the City Hall forecourt for a peaceful
24 hour candlelight vigil from 9:00 o'clock p.m.
Tuesday, 1989 August 22 to 9:00 o'clock pm. Wednesday,
1989 August 23.

(b) That approval be given to fly the national flags of the
following captive nations from 1989 August 22 to August 24.

Poland	Czechoslovakia
Estonia	Hungary
Latvia	Lithuania
Ukraine	Rumania
Slovak	

(c) That Mayor Morrow be authorized to proclaim Wednesday, 1989
August 23 as Black Ribbon Day in Hamilton.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

FOR ACTION

3.

REPORT TO: Chairman and Members
Legislation Committee

FROM: John Thompson, Secretary
Legislation Committee

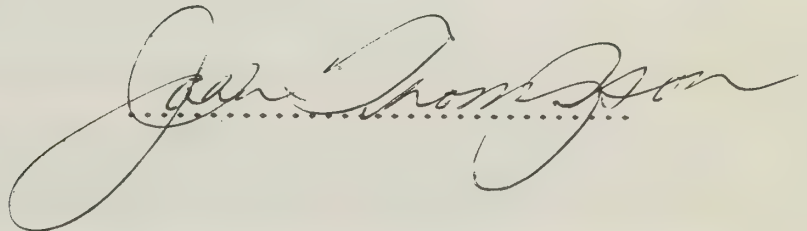
DATE: 1989 April 06
COMM FILE:
DEPT FILE:

SUBJECT:

Use of City Logo.

RECOMMENDATION:

That the firm of Image Pac Graphics, 730 Islington Avenue, Toronto be authorized to include the City of Hamilton logo in a pin being designed for the 1991 Canadian Curling Championships to be held in the City of Hamilton.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

c.c. Mr. D. Carson
Executive Assistant to the Mayor

Corporation of the City of Hamilton

Memorandum

4.

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

OUR FILE:

PHONE: 526-2729

SUBJECT: HER MAJESTY'S ARMY AND NAVY VETERANS
SOCIETY - 100TH ANNIVERSARY -
ADVERTISEMENT IN CENTENNIAL PUBLICATION

DATE: 1989 April 7

Attached for the Committee's consideration is correspondence from Mr. Gordon Green, President, JAG Communications dated 1989 March 29 requesting that the City consider purchasing an advertisement in a special centennial publication which is being prepared to commemorate the 100th Anniversary of Her Majesty's Army and Navy Veterans Association.

A copy of the advertising rates is also attached.

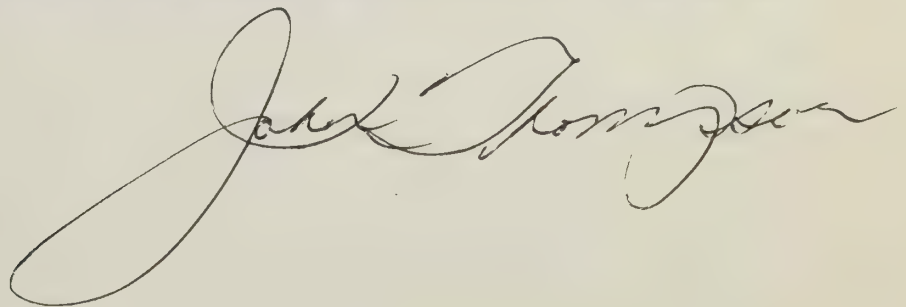
Sub-joined is copy of Section 5 of the FOURTH Report of the Legislation Committee dealing with the City's current policy on advertising adopted by City Council at its meeting held 1987 February 12.

"That, request for special City advertising be approved if:

- (a) the applicant organizations activities are of benefit to the community and of a charitable nature and the request is for the City of Hamilton to extend congratulations to the Organization.
- (b) the applicant Organization is hosting a conference or convention in the City of Hamilton and the request is for the City of Hamilton to extend a welcome to the delegates.
- (c) a similar request has not been approved by the Regional Municipality of Hamilton-Wentworth or any other civic authority."

JT:mjw

Attachments



RECEIVED

APR 3 1989

CITY CLERKS



COMMUNICATIONS

ONE WEST AVENUE, HAMILTON, ONT. L8N 2R9

March 29, 1988.

Mr.E.A. Simpson
Corporation of the City of Hamilton
71 Main St. W.
Hamilton, Ont.
L8N 3T4

Dear Mr.Simpson:

I am writing on behalf of Her Majesty's Army and Navy Veterans Society, which this year is celebrating its 100th Anniversary.

This important Hamilton organization is well known for the charitable work it performs, supporting various community organizations as well as minor sports and other youth activities.

To mark its anniversary, the H.M.A. & N. Veterans Society is planning a week-long celebration which will draw thousands of members and their families from the Hamilton area as well as from across Canada and the United States.

A Centennial publication — a keepsake for members as well as for others in the community — is to be published as a permanent record of this important milestone in the group's history.

The Veterans Society, whose members have given so much to the city and to their country over the past 100 years, is seeking your support in this venture.

Your advertisement in this publication will become a permanent record in hundreds of area households, a testament to your support of this worthy organization. I am attaching a fee schedule and urge you to give the matter serious consideration.

One of our representatives will be contacting you by telephone in the near future. I know we can count on your support.

Sincerely,

Gordon Green
President
JAG Communications

(416) 528-5812

Her Majesty's Army and Navy Veterans Society

100th Anniversary Commemorative Edition

This valuable keepsake will contain pictures and stories about the history of this important Hamilton organization. Her Majesty's Army and Navy Veterans Society is based on MacNab Street North, where members regularly meet socially and to plan strategies for fundraising to help the community.

A Commemorative publication will not only be cherished by the members of the group and the community, but it will become a permanent part of the city's history.

The publication will be six inches by nine inches with a glossy three-color cover and at least 50 black and white pages inside. A publication run of at least 2,000 is planned.

Advertising Rates (all inside pages will be black and white, printed on a high-quality stock that will enhance your message. All rates are based on provision of camera-ready artwork.)

1. **Full-page** — Camera-ready: \$325.00
(Typeset and design \$50.00 additional)
2. **Half-page** (with editorial content on the page): \$250.00
(Typeset and design \$40.00 additional)
3. **Fragmented advertisement page** (see attached) —
 - a) Top or bottom position: \$115.00
 - b) Middle position: \$60.00(Typeset and design \$25.00 additional)
4. **Quarter page** — \$117.50
(Typeset and design \$30.00 additional)

Don't miss this valuable opportunity to profile your message in a publication that will be kept for generations. Her Majesty's Army and Navy Veterans Society appreciates your support.

Please make your cheque payable to:
H.M.A. & N. Veterans Society Centennial Committee

Note: Type and design charges will be invoiced separately
and made payable to JAG Communications

Your Advertisement in this space

\$115.00

This page is actual size

Your advertisement in this space

\$60.00

Your advertisement in this space

\$60.00

Your advertisement in this space

\$60.00

Your advertisement in this space

\$60.00

Your Advertisement in this space

\$115.00

[The text in this block is extremely faint and illegible, appearing as a series of horizontal lines across the page.]



5.

Corporation of the City of Har
Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Legislation Committee

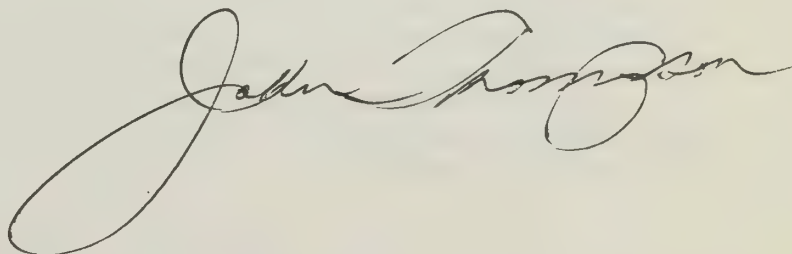
OUR FILE:
PHONE: 526-2729

SUBJECT: LABOUR DISPUTE AT THUNDER BAY, ONTARIO

DATE: 1989 April 7

Attached for the Committee's consideration is a copy of a letter from Richard McFarlane, General Chairman, Canadian Lakehead Grain Elevator Workers Board of Adjustment No. 17 of the Transportation Communications International Union addressed to The Honourable Jean Carbeil, Minister of Labour in which application is made for the establishment of an Industrial Inquiry Commission to investigate and report on the matter of the continuation of the labour dispute and differences existing between the employees in the grain trade and six grain companies.

The General Chairman of the above Board is seeking the support of the various cities and towns on the Seaway System to obtain the establishment of an Industrial Inquiry Commission.



JT:mjw



AFL-CIO, CLC

John Thompson, Secretary - Legislation Committee from Mayor Bob Morrow, Mar. 30/89

TRANSPORTATION • COMMUNICATIONS INTERNATIONAL UNION

CANADIAN LAKEHEAD GRAIN ELEVATOR WORKERS
BOARD OF ADJUSTMENT NO. 17
THUNDER BAY, ONTARIO



MAR 29 1989

March 21, 1989

The Honourable Jean Corbeil,
Minister of Labour,
Labour Canada,
OTTAWA, Ontario,
K1A 0J2

Dear Sir:

Re: Labour Dispute at Thunder Bay, Ontario

Please consider this letter as an application pursuant to Sections 196 - 198 of the Canada Labour Code for the appointment of an Industrial Inquiry Commission to investigate and report on the matter of the continuation of the labour dispute and differences existing between the employees in the grain trade and six grain companies.

The Transportation - Communications Union is the bargaining agent for the 1400 grain handlers at Thunder Bay who are employed by six grain companies. These employees handle all of the grain grown in the western provinces that is exported to World markets through the Canadian Seaway System and the eastern Canadian ports. These same companies have facilities on the west coast for the shipment of grain through Vancouver and Prince Rupert.

The six companies that we deal with are: Carquill Grain; Manitoba Pool Elevators; Parrish & Heimbecker Limited; Richardson Terminals Limited; Saskatchewan Wheat Pool and United Grain Growers Limited.

Although we bargain with all the companies at the same time, they insist that the Collective Agreement entered into "shall be construed as comprising separate Collective Agreements between each individual company named...". They do not want to be considered to be an employers' organization. They insist upon maintaining a separate entity and a separate identity for each company.

Continued.....



Page 2

The Honourable Jean Corbeil

March 21, 1989

Cont'd.....

From the early 1930's, when the employees first approached the Union, until 1980 only one labour strike occurred. That was in 1968 and lasted for a period of about 8 weeks.

In 1981, as a result of the tactics of one company, the Union was forced to call a strike. This lasted for approximately two weeks and was settled as a result of the intervention of the Federal Mediation and Conciliation Services with the suggested threat of Parliament legislating the employees back to work.

In 1986 the negotiations between the Union and the companies lasted from December of 1984 until September of 1986. The companies did everything possible to have the Union call a strike against the whole industry to force government intervention. As an example of their tactics one need only look to the first meeting with the Federal Conciliation Officer. The parties had been negotiating a pay raise but on the first day with Conciliation Officer Graham Mitchell, the companies' spokesman proposed a 20% rollback in wages.

The Union eventually was forced into the position of having to take strike action. Rather than close the complete grain trade the Union elected to call a strike against Saskatchewan Wheat Pool only. This strike would permit the other five companies to operate their terminal facilities at Thunder Bay and would not have induced the Federal Government to intervene. After the strike began against Saskatchewan Wheat Pool the other five companies locked out their employees so that all grain shipments were immediately halted. After a five week strike the government prepared to implement legislation to force the employees back to work. To avoid this step the Union agreed to accept a 3% increase in wages for a three year agreement.

Various company representatives thereafter proceeded with their tactic of attempting to destroy the credibility of the Union with its membership. They gloated over the "fast one" that had been pulled on the Union and advised the membership that the Union negotiating committee had been badly outmanouvered. They stated that in fact wage increases of 4% and 5% per year would have been paid had the Union not settled for the 3% for three years.

Since that settlement to the present time, the various companies have clearly indicated that it is their intention to produce one confrontation after another. There are presently approximately 120 grievances ready to proceed to arbitration. The companies have instructed their legal advisor not to settle any grievances but to force each grievance to a full arbitration hearing. The intent is obvious. A small Union having at best 1400 members cannot afford to proceed through 120 arbitration cases.

The Honourable Jean Corbeil

March 21, 1989

Cont'd.....

Negotiations are also proceeding in the same vein. We served notice to bargain in November, 1987 and commenced to bargain to request changes to the Agreement that expired at the end of January 1988. We have been at the bargaining table since December of 1987 to the present time and have been unable to come to any agreement.

The clear indication from the companies is that they intend to proceed in the same manner that they successfully followed in 1986, that is, to force a strike, a lockout and to have the government intervene.


In addition, over the past few years, the grain companies are shipping their grain through the west coast and almost refuse to use the facilities at Thunder Bay and the ports at the eastern end of the Seaway System.

Many questions remain unanswered as to why these companies are being permitted to operate their businesses to the detriment of the Seaway System, to the detriment of the Great Lakes and St. Lawrence ports and to the detriment of the employees involved.

The continued conduct of the grain companies will ensure that industrial peace will not be established in Thunder Bay. The employees are reaching the breaking point and are fast concluding that the companies' tactics are being used for some nefarious purpose. It is our opinion that only an inquiry conducted by an Industrial Inquiry Commission can lead to a settlement of the various disputes and differences that exist.

We are sending copies of this application to the various mayors of the cities and towns on the Seaway System that are affected by the lack of the proper conduct of the shipment of grain through Thunder Bay and the use of the Seaway System. We are seeking their support to obtain the establishment of an Industrial Inquiry Commission.

Respectfully yours,



Richard McFarlane,
General Chairman,
Canadian Lakehead Grain Elevator
Workers, Board of Adj. #17
T.C.U.

RM:jb

c.c. All Seaway Mayors ✓
F. Mazur, Nat'l. Pres.

6.

Corporation of the City of Han

Memorandum

TO: Chairman and Members
Legislation Committee

YOUR FILE:

FROM: John Thompson, Secretary
Taxicab Legislation Review Sub-Committee

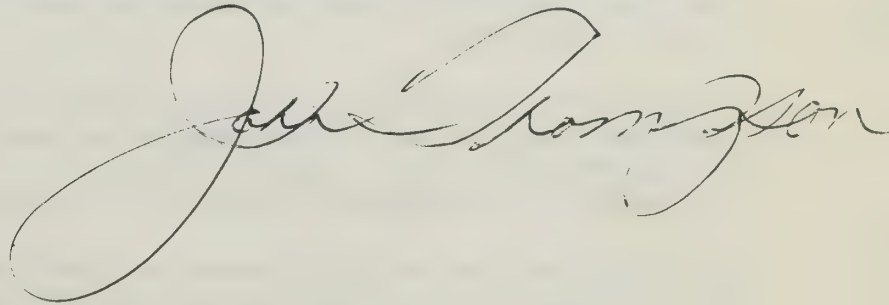
OUR FILE:
PHONE: 526-2729

SUBJECT: DISCUSSION PAPER

DATE: 1989 April 7

Attached for the Committee's review is a copy of a discussion paper prepared by the Taxicab Legislation Review Sub-Committee containing a number of options for legislative changes.

Once ratified, a copy of the discussion paper including any amendments or changes as approved by the Legislation Committee will be forwarded to the Taxi Industry for a full public meeting to be held Monday, 1989 April 24.



JT:mjw

Attachment

DISCUSSION PAPER PERTAINING TO THE TAXICAB PRIORITY LIST, LIVERY VEHICLES,
ISSUANCE OF TAXICAB OWNER'S LICENCES AND TAXICAB LEASING

The Taxicab Industry is well aware of a number of controversies involving the Taxi Industry which occurred in 1988. The focus of these concerns primarily dealt with the Taxi Priority List. There were, however, a number of other concerns brought to the City's attention and these dealt with livery vehicles, taxi owner's licences, and to a lesser extent taxicab leasing. We are well aware of many other issues such as improved taxicab service during peak hours, rising insurance premiums, taxicab fares, licence fees etc.

As you have no doubt become aware, the Legislation Committee struck a Taxi Sub-Committee which was specifically formed to review the By-law and address Taxi Industry concerns. The membership consists of Alderman V. Agro, Chairman; Alderman D. Drury, Vice Chairman; and Alderman G. Copps as the third member.

Hamilton City Council mandated that the Legislation Committee complete their report within 90 days (April 30).

Neither the Sub-Committee, nor the Legislation Committee can deal with prior decisions made by the City of Hamilton Licence Committee. However, we have been given a mandate to recommend revision to the existing By-laws so that the future issuance of taxi owner's licences as well the other issues addressed, are dealt with in a fair and open way resulting in a by-law that is clear and easily understood.

I'm sure you are also well aware that the Licencing Committee has commenced hearings with respect to the complaints received pertaining to the correctness of the Priority List. This is being done in a separate process from the Taxi Sub-Committee's deliberations and the two matters should not be confused.

The Sub-Committee wants to stress at this time that their suggestions and those of staff are only options and not recommendations. No decisions will be made until there is a full public hearing with submissions from both the industry and the public at large.

The Sub-Committee would like your verbal or written comments on the contents of this document. This can be done by either submitting your comments to the Secretary or by making a formal presentation at the public hearing scheduled to be held on:

Monday, April 24th

6:00 P.M.

City Hall

The Sub-Committee's deliberations centred around two essential considerations. The primary consideration is to provide the public with the best of taxicab service. The Taxi Industry is crucial to the well-being of a strong and vibrant community. It stands at the core of our transportation system, the

convention and hospitality industries, our entertainment and recreational facilities, and generally the social and cultural fibre of the community.

The secondary consideration is to help develop a strong and healthy taxi industry in our community. In fact, it is believed by the Sub-Committee that this must be accomplished in order to achieve the primary goal. If the people in the industry are treated fairly and if working conditions and remunerations are favourable, then those involved would be in a position to provide superior service.

TAXICAB PRIORITY LIST

APPROVED OPTIONS BY TAXICAB LEGISLATION REVIEW SUB-COMMITTEE 1989 MARCH 21.

1. CONTINUE THE EXISTING PRIORITY LIST AND ESTABLISH A YEARLY MAINTENANCE FEE OF \$25.00 - \$50.00 TO MAINTAIN AN APPLICANT'S NAME ON THE PRIORITY LIST. THIS ANNUAL RENEWAL AND FEE MUST BE COMPLETED BY SEPTEMBER 30TH OF THE CURRENT YEAR. FAILURE TO MEET THESE REQUIREMENTS WILL RESULT IN THE APPLICANT'S NAME BEING REMOVED FROM THE PRIORITY LIST. THIS WE BELIEVE WOULD HAVE THE EFFECT OF ELIMINATING MANY INACTIVE PERSONS PRESENTLY ON THE LIST AND WOULD MOST LIKELY ELIMINATE NEW APPLICANTS WHO ARE NOT IN THE TAXI INDUSTRY.

2. AN APPLICANT FOR A TAXICAB OWNER'S PLATE MUST BE ACTIVELY ENGAGED FULL TIME IN THE CITY OF HAMILTON'S TAXI INDUSTRY AS A LICENCED TAXICAB DRIVER, OWNER, DISPATCHER OR OTHER FOR ONE (1) YEAR PRIOR TO BEING PLACED ON PRIORITY LIST. VERIFICATION TO BE MADE BY INCOME TAX RETURN AND AN AFFIDAVIT FROM THE TAXICAB OWNER/BROKER. DEFINITION OF "FULL TIME" TO BE DETERMINED UNDER THE PROVISIONS OF THE EMPLOYMENT STANDARDS ACT (I.E. 20 - 22 HOURS - WEEK).

INPUT WILL BE REQUIRED FROM TAXI INDUSTRY TO STRIKE A FORMULA TO BE APPLIED IN DETERMINING THE AVERAGE INCOME (POSSIBLY BASED ON AVERAGE HOURLY INCOME X HOURS PER WEEK X 50 WEEKS = INCOME PER YEAR OF A DRIVER, OWNER OR DISPATCHER WHICH IS RELATIVELY EASY TO APPLY IN FUTURE. THE FORMULA SHOULD INCLUDE A FACTOR FOR INFLATIONARY ADJUSTMENTS.

3. (A) WHEN AN APPLICANT FOR A TAXI OWNERS LICENCE REACHES THE TOP OF THE PRIORITY LIST, BEFORE ISSUANCE THE APPLICANT MUST SUBMIT CERTIFIED INCOME TAX RETURNS FOR THE IMMEDIATELY PRECEDING 2 - 5 YEARS AS A FULL TIME DRIVER, OWNER, DISPATCHER ETC. IN THE CITY OF HAMILTON'S TAXI INDUSTRY. VERIFICATION TO BE MADE BY INCOME TAX RETURN AND AN AFFIDAVIT FROM TAXICAB BROKER/OWNER. DOLLAR EARNINGS TO BE DETERMINED BY INCOME FORMULA AS OUTLINED IN (2) ABOVE.
- (B) PROVISION SHOULD BE MADE IN THE LICENCING BY-LAW TO COVER A SITUATION WHERE AN APPLICANT WAS ILL DURING THE TIME OF COMPLIANCE WITH THE REQUIREMENTS IN 3 (A).

4. AN APPLICANT CAN RECEIVE ONLY ONE TAXI OWNER'S PLATE FROM THE PRIORITY LIST.
5. INCREASE THE FEE FOR A TAXICAB OWNER'S PLATE FROM \$2 743 TO POSSIBLY \$3 000 - \$4 000.

THE CURRENT MARKET PRICE OF A TAXICAB OWNER'S PLATE IN HAMILTON IS APPROXIMATELY \$70 000. REVENUES FROM THE ISSUANCE OF ADDITIONAL LICENCES WOULD ALLOW FOR GREATER COST RECOVERY AND WOULD PERMIT HIRING OF AN ADDITIONAL INSPECTOR AS PROPOSED IN THE BUDGET AND WHICH IS THE LICENCE DIVISION'S HIGHEST PRIORITY.

6. TRANSFER FEE TO BE REVIEWED. A FEE AMOUNTING TO FIFTY PERCENT (50%) OF THE FEE FOR A TAXICAB OWNER'S PLATE FROM THE PRIORITY LIST (I.E. \$1500 - \$2000 DEPENDING ON THE INCREASE IN ITEM 5 ABOVE) HAS BEEN SUGGESTED.
7. TAXI OWNER LICENCE RENEWAL FEE TO BE REVIEWED. A FEE OF \$175 TO \$500 IS PROPOSED.
8. A NOTICE WILL BE SENT BY REGISTERED MAIL TO EVERY APPLICANT ON THE PRIORITY LIST NOTIFYING THEM OF ANY CHANGES TO THE EXISTING REGULATIONS GOVERNING THE PRIORITY LIST.
9. THE LICENCE COMMITTEE WILL PUBLISH IN THE LOCAL NEWSPAPER AND POST AT THE VARIOUS TAXI COMPANIES A "PUBLIC NOTICE OF INTENT" THAT THE CITY WILL BE ISSUING ADDITIONAL TAXI OWNER'S LICENCES AND INCLUDE A LIST OF THE APPLICANTS TO BE CONSIDERED. THE LICENCE COMMITTEE WILL CONSIDER APPEALS REGARDING THE QUALIFICATIONS OF THE APPLICANTS.

OPTIONS FOR LIVERY LICENCES

1. IT IS RECOMMENDED THAT THE LIVERY VEHICLE BY-LAW BE AMENDED TO CLASSIFY THE THREE TYPES OF INDUSTRIES NOW USING LIVERY VEHICLE OWNER'S PLATES, I.E. LIMOUSINE SERVICES, DISABLED PERSONS TRANSPORTATION, SCHOOL TRANSPORTATION.

THIS CLASSIFYING WITHIN THE PRESENT LIVERY BY-LAW HAS ALREADY BEEN REVIEWED BY STAFF AND BY THE SOLICITOR'S DEPARTMENT. THE PROCESS TO CLASSIFY IS DIFFICULT, HOWEVER, WE BELIEVE IT CAN BE ACCOMPLISHED. ONCE RECLASSIFIED, EACH INDUSTRY CAN BE ADDRESSED AS TO USE, TYPE, MODEL AND AGE OF VEHICLE PERMITTED; FEES AND THE NUMBER OF LICENCES TO BE ISSUED.

2. LIVERY VEHICLE OWNERS MUST PROVE BY AFFIDAVIT, TRIP RECORDS/LOCAL CONTRACT THAT THEY ARE ACTIVELY INVOLVED IN THE TRANSPORTATION OF CUSTOMERS IN THE CITY OF HAMILTON.
3. THE VEHICLE MUST BE OPERATIONAL WITHIN 30 DAYS OF THE ISSUANCE OF THE LICENCE (A SIMILAR REQUIREMENT AS TAXICABS).
4. THE LIVERY LICENCE SHALL NOT BE TRANSFERABLE.
5. FAILURE TO USE THE VEHICLE ON AN ONGOING BASIS (PROOF TO BE PROVIDED BY TRIP RECORDS/CONTRACTS/SPECIFIED # OF HOURS PER WEEK) WILL RESULT IN THE SUSPENSION OR REVOCATION OF THE LICENCE.

IF THE ABOVE OPTIONS ARE IMPLEMENTED, THE NUMBER OF TAXICAB OWNER'S LICENCES WILL HAVE TO BE REVIEWED WITH THE LIKELIHOOD OF ISSUANCE OF SOME TAXICAB OWNER'S LICENCES. IT IS IMPORTANT THAT THE DECREASE OF LIVERY SERVICE DOES NOT RESULT IN A DECREASE IN SERVICE TO THE PUBLIC.

OPTIONS FOR THE ISSUANCE OF ADDITIONAL TAXICAB OWNER PLATES

1. IT IS RECOMMENDED THAT THE 8 ADDITIONAL TAXICAB OWNER'S LICENCES AUTHORIZED BY BY-LAW BE ISSUED AT THIS TIME. STAFF RECOMMENDS A WAIT AND SEE APPROACH TO THE ISSUANCE OF ANY ADDITIONAL LICENCES, TAKING INTO ACCOUNT THE RESULTS OF THE ECONOMIC TREND FOR THE REMAINDER OF 1989.
2. IT IS RECOMMENDED THAT A FULL ANALYSIS BE CARRIED OUT COVERING ALL FACETS OF THE MARKET, INCLUDING TAXICAB INDUSTRY INPUT, PUBLIC INPUT, THE EFFECTS OF POPULATION, COMMERCIAL/INDUSTRIAL GROWTH, IMPACT OF NEIGHBOURING MUNICIPALITIES TAXICABS, THE EFFICIENCY OF THE EXISTING TRANSIT SYSTEM, EXPANSION OF GO TRANSIT, AIRPORT EXPANSION AND ADDITIONAL FACTORS SUCH AS RESPONSE TIME TO CALLS WITHIN THE TAXICAB INDUSTRY.
3. (A) THE CREATION OF A SPECIAL STREET INDEX (TOWNHOUSES ETC.) TO BE PUBLISHED BY THE CITY UTILIZING ASSESSMENT ROLLS ETC. WILL ALLOW FOR QUICKER RESPONSE TIME.

(B) NUMERICAL RESIDENTIAL IDENTIFICATION ON UTILITY POLES HAS PROVEN SUCCESSFUL IN THE MUNICIPALITIES EMPLOYING THIS PROGRAM. THIS RECOMMENDATION WOULD BE REQUIRED TO BE FORWARDED TO THE TRANSPORT AND ENVIRONMENT COMMITTEE FOR THEIR CONSIDERATION
4. (A) EXAMINE THE FEASIBILITY OF CREATING AN ADDITIONAL CLASS OF TAXICAB OWNER'S PLATE WITH APPLICANTS CHOSEN FOR SELECTION OF THESE PLATES FROM THE TAXICAB PRIORITY LIST FOR EVENING AND WEEKEND USE ONLY.

ACQUISITION OF A TAXICAB OWNER'S PLATE FOR EVENING AND WEEKEND USE ONLY WILL NOT AFFECT THE APPLICANT'S POSITION ON THE PRIORITY

LIST. HOWEVER, THE EVENING AND WEEKEND PLATE WILL BE NON-TRANSFERABLE, LEASING WILL BE PROHIBITED AND VEHICLES MUST BE OWNER DRIVEN. WHEN AN APPLICANT'S NAME REACHES THE TOP OF THE PRIORITY LIST, THE PLATE MUST BE SURRENDERED AND RETURNED TO THE CITY THUS QUALIFYING THE APPLICANT FOR A FULL-TIME TAXICAB OWNER PLATE.

- (B) THE FEES FOR THIS CLASS OF LICENCE WILL BE \$500 INITIALLY. ANNUAL RENEWAL FEE WILL BE \$175 - \$500 AND THE TAXI PLATE WILL BE RESTRICTED TO USE ONLY BETWEEN THE HOURS OF 5-6 P.M. AND 5-6 A.M., MONDAY TO FRIDAY; TWENTY FOUR (24) HOUR USE ON SATURDAY AND SUNDAY WILL BE PERMITTED.

NOTE: THIS RECOMMENDATION, IF ACCEPTED, IS DESIGNED TO ACCOUNT FOR THE FACT THAT A HIGH PERCENTAGE OF TAXICABS DO NOT WORK DURING THESE EVENING HOURS AND WEEKENDS.

5. THE TAXICAB INDUSTRY AND THE CITY MUST AGGRESSIVELY APPROACH THE INSURANCE INDUSTRY TO REVISE THEIR RATES TO BETTER REFLECT HAMILTON'S TURN AROUND WITH RESPECT TO INSURANCE CLAIMS. THIS IS LARGELY DUE TO THE NEW TAXI DRIVER SCREENING PROCESS BY BOTH THE CITY AND THE INDUSTRY, TWO-DAY EDUCATIONAL PROGRAM AND INCREASED TAXI INSPECTION SERVICE.

THE FORMER TAXI TASK FORCE HAS HAD NO REPLY TO ITS REQUEST TO THE INSURANCE INDUSTRY TO CONSIDER OR ENTER INTO DISCUSSION WITH THE TAXI INDUSTRY.

OPTIONS FOR TAXICAB LEASING

1. AGGRESSIVE APPROACH TO THE INSURANCE INDUSTRY TO RECOGNIZE THE INDIVIDUAL LESSEE AS AN "OWNER" OF HIS OWN VEHICLE.
2. INCREASE FEES FOR LIMITED INTEREST AGREEMENTS (TAXICAB LEASING) TO THE FOLLOWING :

INITIAL AGREEMENT	\$50 SAME CAR
RENEWAL AGREEMENT	\$50 SAME CAR
INITIAL AGREEMENT	\$175-500 ADDITIONAL CAR
RENEWAL AGREEMENT	\$175-500 ADDITIONAL CAR
3. PROMOTE LEASING OF OWNER'S TAXICAB PLATES TO LESSEES WHICH WOULD HAVE THE EFFECT OF PROVIDING ADDITIONAL TAXIS PARTICULARLY DURING EVENINGS AND WEEKENDS WHICH WOULD RESULT IN BETTER SERVICE THROUGHOUT THE CITY.

IF OPTION 4 IN THE SECTION RESPECTING ISSUANCE OF ADDITIONAL TAXICAB LICENCES IS APPROVED, IT SHOULD ALLEVIATE THE NECESSITY FOR THIS OPTION.

COMMITTEE MEMBERS

ALDERMAN V. AGRO, CHAIRMAN
ALDERMAN D. DRURY, VICE CHAIRMAN
ALDERMAN G. COPPS

STAFF

S. DEMBE, MANAGER, LICENCE DIVISION
D. BARROW, SENIOR LICENCE INSPECTOR
P. BARKWELL, SOLICITOR
J. THOMPSON, SECRETARY

TO WHOM IT MAY COME: I HEREBY CERTIFY THAT THE
FOLLOWING IS A TRUE AND CORRECT COPY OF THE
ORIGINAL AS KEPT IN MY OFFICE.

IN WITNESS WHEREOF, I have hereunto set my hand
and the seal of the said office, at the City of
New York, this 1st day of January, 1901.

CLERK OF THE COURT

ALBION C. KENT, Clerk of the Court
in and for the County of New York.

WITNESSES

1. JOHN B. BROWN, Justice of the Peace
for the County of New York.

2. JAMES H. BROWN, Justice of the Peace
for the County of New York.

3. JOHN B. BROWN, Justice of the Peace
for the County of New York.

4. JOHN B. BROWN, Justice of the Peace
for the County of New York.

5. JOHN B. BROWN, Justice of the Peace

6. JOHN B. BROWN, Justice of the Peace

7. JOHN B. BROWN, Justice of the Peace

8. JOHN B. BROWN, Justice of the Peace

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